DOCUMENT RESUME

ED 212 881 CE 031 429

AUTHOR Boutilier, Laura
TITLE Teaching Units for Consumer Home Economics 1981. Topic: Legal Rights and Responsibilities of Teens.
INSTITUTION Connecticut State Dept. of Education, Hartford. Bureau of Vocational Services.
SPONS AGENCY Office of Education (DHEW), Washington, D.C.
PUB DATE Oct 81
NOTE 89p.; For related documents see CE 031 432 and CE 031 434.

EDRS PRICE MF01/PC04 Plus Postage.
DESCRIPTORS *Adolescents; *Consumer Education; *Courts; Educational Resources; Home Economics; Junior High Schools; *Laws; *Learning Activities; Legal Education; School Law; State Legislation
IDENTIFIERS Connecticut; *Shoplifting

ABSTRACT

This learning packet contains materials for junior high school students to use while taking a unit on law in a consumer home economics course. The unit's aims are to help students to (1) understand the role of individual rights and responsibilities in our society; (2) understand the fundamental principles and processes of our legal system; (3) become aware of the risks of participating in illegal behavior; and (4) become knowledgeable of the structure of the court system in Connecticut. The unit is divided into three major topics: law in society, illegal behavior, and the court system. Learning activities are provided for each of these topics. Learning activities include games, discussion topics, role-playing scripts, scenarios, quizzes, and information sheets to be handed out. (The illegal behavior section is focused primarily on shoplifting.) A list of suggested resources is included in the packet. (KC)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

CT8113302

ED212881

TEACHING UNITS

for

CONSUMER HOME ECONOMICS

1981

TOPIC: Legal Rights and Responsibilities of Teens

CE031429

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☑ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

V. Pichanick

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

Consumer Home Economics Units of Instruction were made possible by funding of P.L. 94-482 and the Bureau of Vocational Program Planning and Development, Connecticut Department of Education.

"The activity which is the subject of this report was supported in whole or in part by the U.S. Office of Education. However, the opinions expressed herein do not necessarily reflect the position or policy of the U.S. Office of Education, and no official endorsement by the U.S. Office of Education should be inferred." (20 U.S.C. 1221c(b) (1).)

Bureau of Vocational Services
Home Economics Unit
P.O. Box 2219 Room 344
Hartford, CT 06115

October, 1981

LEGAL RIGHTS AND RESPONSIBILITIES OF TEENS

The growth of interest in law education has steadily increased since the early 1970's. Traditionally, this has been part of a social studies program. However, when the emphasis of a Home Economics program is on providing students with knowledge and skills that will be of some practical use to them when their formal education ends, whether this will be to cook or sew or to get along successfully in society, law education can and should become an integral component of that program. Young people who will soon be, or who perhaps already are, consumers, spouses, parents, apartment renters, etc. have a pressing need to understand their responsibilities and rights in these roles.

This unit is divided into three major topics: "Laws in Society", "Illegal Behavior" and "The Court System." It is not intended to be all inclusive on each topic but rather a stimulus from which the teacher can expand to meet the students' interests and needs as well as their own time frame work.

Laura Boutilier
Home Economics Teacher
Illing Junior High School
Manchester, CT

Unit Objectives

The student will:

1. understand the role of individual's rights and their corresponding responsibilities in our society
2. understand the fundamental principles and processes of our legal system
3. become aware of the risks of participating in illegal behavior
4. become knowledgeable on the structure of the court system in Connecticut

Unit Outline

I. Laws in Society . . . . . page 5

- A. Rationale for laws
- B. How laws are made and changed
- C. Responsibilities which correspond with laws
- D. School law
- E. Consumer law
- F. Family law

II. Illegal Behavior . . . . . page 31

- A. Shoplifting
- B. Vandalism

III. The Court System . . . . . page 55

A. General Overview
B. Juvenile Court
C. Courtroom Procedures

Resources

Booklets

_____, The Law and You . . . , Channing L. Bete Co. Inc., Greenfield, Mass., $ .27 each when ordered in quantity.

_____, "Play a Part in Crime Prevention", Commerical Union Assurance Co., 1 Beacon Street, Boston, Mass. 02108, a free copy of 5 teaching units including skits and other activities.

_____, Rights On! Civil Liberties for Young People, Conn. Civil Liberties Union, 57 Pratt Street, Hartford, CT 06103, excellent phamphlet for students available for a small fee.

_____, The Legal Rights and Responsibilities of Students in Connecticut Public Schools, State of Connecticut Public Information Office, Department of Education, Box 2219, Hartford, CT 06115, 566-5497, copies available free of charge.

Resources

Films

John McLead
Public Relations Department
100 Washington Street
Hartford, CT 06101
566-4054
"Shoot, Don't Shoot"

Rockwell Films
528-9091
"Caught"
"Shoplifting"
"School Vandalism"

"Man Is It Worth It?"
2 filmstrips on juvenile court system,
includes shoplifting case and car theft.
Margaret Richards 566-4825

Sex Role Stereotyping and Sex Discrimination -
CWEALF
57 Pratt Street
Rm. 410
Hartford, CT 06103 247-6090

Resources

Miscellaneous

Connecticut Consortium for Law-Related Education
Connecticut State Department of Education
P.O. Box 2219
Hartford, CT 06115

Margaret Richards, Coordinator
(an excellent resource for a variety of materials as well as inservice programs).

Middle School Modules
"Shoplifting - It's No Game"
Middle School Modules
Connecticut Department of Education
Home Economics Unit
566-5459

LAWS IN SOCIETY - LEARNING ACTIVITIES

(Activities are listed in a sequential order. Add or delete to fit your time frame and student's needs. A variety of supplementary activities are also included which are self explanatory.)

1. To illustrate the influence of laws in the student's life, take the students on a "mind walk". Direct the class to raise their hand whenever they think a law is involved in the story you will tell them. Proceed to tell them a fictiousous story of your day beginning with "Today I got up at 7:00 a.m. (time determined by federal government and state). I washed my face (health codes for water purity, building codes for plumbing), I fixed my breakfast of bacon and eggs (health laws, food packaging laws, safety and sanitation laws in regard to food processing etc.) . . . "You probably will not have to carry the story much further than this to make your point. Discuss the impact of laws or rules in their life. An alternative activity to meet the same objective is "A law-related Scavenger Hunt" (Included here)

2. Complete the activity "No Vehicles in the Park" and/or "No Pets Allowed". Discussion may follow as to when laws are good or bad; how could a law be rewritten or changed; what's the procedure for this etc.

3. Read together the "Bill of Rights". Discuss, emphasizing the responsibilities that go along with these rights. Have students compose a students or consumers bill of rights.

4. Have students complete the sheet "Coming of Age". This may be used as a pretest or as a research project. "Students Rights and Responsibilities in Connecticut Public Schools" is a good reference.

5. Obtain a copy of the school rules. Have students make a chart with 2 columns, 1 listing the rule and the other giving all the possible reasons for that rule. From this, develop a set of rules for your classroom, giving the appropriate punishments for failing to follow them. Display these on poster and adhere to them. A possible title may be "Three Strikes and You're Out!"

6. Invite the school principal to speak on school laws i.e. searching lockers, suspention, Title 9 etc.

7. Brainstorm responsible ways to go about changing a school rule they feel is unfair.

8. Invite a speaker from the Department of Consumer Protection to discuss laws dealing with consumers.

9. Role play various situations students may confront trying to return merchandise to a store.

10. Brainstorm ways to effectively complain. Practice writing complaint letters (A suggested form is included here).

11. Invite a speaker from your local human services or youth services department to speak on laws effecting them in their family i.e. divorce, abuse, emancipation etc.

12. Using the value statement listed in the "self quiz" have students play "Black and White". To do this, place pieces of construction paper on the floor, black on 1 side, grey in the middle and white on the other side. Have students stand and when you read a statement they must agree or disagree. If they agree they go stand on the black paper; if they disagree they stand on the white paper; and if they're middle of the road on this issue they stand in the grey area. Ask various students for their reasons for the stand they have taken. After a brief discussion, move on to another statement.

13. Read together the case studies included and discuss.

14. Debate the following topics:

    1. parents should be allowed to physically punish their child
    2. discipline and punishment are the same thing
    3. children should have to obey their parents
    4. if a student suspects a friend being physically abused by his/her parents, the student should report it

A LAW-RELATED SCAVENGER HUNT

This law-related scavenger hunt focuses children's attention on their own lives and actions. It encourages them to consider such law-related issues as rights and responsibilities. It teaches children that they are touched by law and the legal system in many ways. For example, when children respond to the question "I have seen writing on the walls of the school building," they are guided into a discussion of vandalism and property rights. Teachers can point out that defacing public property is against the law. Further, it costs the school system more money away from school programs and may even raise property taxes which pay for school budgets. Thus, children can be encouraged to see beyond their somewhat simple actions to the more complex issues growing out of them.

Teachers of older students may use the activity to introduce such areas of the law as child advocacy, juvenile justice, municipal law, environmental law, consumer law, and state and federal law.

This exercise can be effectively extended and enriched by having students find out about the laws associated with given items. Teachers will, of course, need to work closely with younger children on this project, while older ones can handle it quite independently. Teams of researchers could be assigned to each item and report their findings to their classmates.

Strategy: Each statement is read by a student or teacher and discussed by the class. Children check their responses on individual sheets or raise their hand to respond with "yes" or "no" answers. The teacher records answers on chart or board or board. Answers are tallied to find out the number of "yes" responses for each item. Which one has the most? Fewest? How does the law affect our lives? (Follow-up by exploring laws and regulations associated with items.)

Law in My Life

(A Law-Related Scavenger Hunt for Children)

	Yes	No
1. I go to school.		
2. I am allowed to walk to and from school alone.		
3. I ride a bus to school.		
4. I eat a school lunch.		
5. I have been disturbed by noise made by another person in the room.		
6. I found money in or near the school this year.		
7. I have carried class money or records to the Principal's office.		
8. I have a birth certificate.		
9. I have been on the school safety patrol.		
10. I have borrowed money from someone.		
11. I have seen someone cross the street when the sign said "Don't Walk."		
12. I have seen writing on the walls of the school building.		
13. I have helped make rules for my family, my classroom, or other groups.		

Total "Yes" Responses _____

Teacher's Discussion Guide for Law in My Life

(A Law-Related Scavenger Hunt for Children)

Discuss the following items with the children:

1. right to education; required school attendance.
2. personal responsibilities and traffic laws.
3. driver qualifications and licensing; traffic laws.
4. health regulations and Federal tax-supported lunches.
5. privacy and cooperation for achieving personal and group goals.
6. integrity and responsibility.
7. public property; personal responsibility; official records.
8. public records; legal relationships; identity.
9. public safety; role of police and fire departments.
10. responsibility; fairness; private property.
11. safety rules.
12. safety; vandalism; property rights.
13. purpose of rules; democratic rule/law-making.

LAWS IN SOCIETY

THE VOTERS OF THE TOWN OF BEAUTIFICA WANTED THEIR PARK TO BE A PLACE THAT WAS QUIET AND SAFE, WHERE THE PEOPLE COULD GO TO RELAX, AND ENJOY THE BEAUTY AND PEACE OF NATURE. SO THE TOWN COUNCIL PASSED THIS LAW:

NO VEHICLES IN THE PARK

The problem came with interpreting the law in some specific situations:

1. Should Joe Smith, whose job is across the park be allowed to save 10 minutes and half a gallon of gas by cutting through the park on his way to work?

2. Should an ambulance with a dying victim of a heart attack be allowed to cut through the park to get to the hospital?

3. Should police patrols be allowed to use the road through the park?

   How about if a patrol car is chasing a bank robber who has fled through the park?

   How about a patrol car chasing a hit and run driver? (The victim of the accident was killed.)

4. Should mo-peds be allowed in the park?

   Or 10-speed bikes?

   Or skate boards? Or roller skates?

   How about sleds?

   The Council for the Elderly in the Town wants to have a horse and buggy driving in the park for the Senior Citizens. Should that be allowed?

5. Should mothers pushing baby carriages be allowed in the Park? Or small children on tricycles?

6. Should the Sanitation Department truck be allowed to drive through the park?

7. The grass has to be cut in the summer. Should the Maintance Crews be allowed to do this with a motorized lawn-mower?

8. The Veterans organization in Town wants to place a tank in the park as a World War II memorial.

NO PETS ALLOWED

Mary lives in a building that has a big sign posted that says NO PETS ALLOWED. It is a big apartment house in a big city. Most of the people in the building don't have children.

Mary has some very good friends. They are all going away for the whole summer. Mary is going to be very lonely. Each one of them has a pet and has asked Mary to keep it over the summer. Janet has a dog (only a small dog who doesn't bark much). Jane has a cat. Joyce has a noisy bird. Jill has a goldfish. Jennifer has some gerbils.

Can Mary keep the dog?

the cat?

the bird?

the goldfish?

the gerbils?

Give reasons for your decision on each animal.

What are some reasons for that sign?

What are some reasons for not having that sign?

Roleplay Mary asking the landlord for permission to keep her friend's

goldfish -

to keep the dog -

What options does the landlord have?

Mary decides to smuggle in the gerbils, but a neighbor in the apartment finds out. If you were the neighbor what would you do?

What are some differences between private law and public law?

Coming of Age

Directions: Beside each of the following, write the age at which Connecticut law will allow you to exercise that right.

1. Right to choose a guardian
2. Right to adopt a child
3. You are liable for your own malicious acts
4. Right to a public education
5. Right to look at your school records
6. Right to leave school
7. Right to get a marriage license without parent consent
8. The Judge of Probate Court may allow a marriage
9. Right to examine your birth certificate without consent of parent or guardian
10. Right to an abortion
11. Right to contract for life insurance
12. Eligible for jury duty
13. You may change your name legally
14. Right to work for pay
15. Up to what age is a limit set on the number of hours you may work per day
16. You may get a license as a jai alai player
17. You may petition for erasure of police or court records
18. You may gamble
19. You may buy tobacco
20. You may drink alcohol in public
21. You must obtain your own license to hunt, trap and fish
22. You are eligible for capital punishment
23. You may open a savings account and withdraw funds without parent consent
24. You may receive lottery winnings
25. You may receive treatment of VD or alcoholism without parent consent
26. You may obtain a driver's license
27. You may obtain a motorcycle license without parent consent
28. You may drive a school bus
29. Right to rent a motor vehicle
30. You can obtain help for mental illness without parent consent
31. Right to request treatment for drug dependence, with no disclosure to parents or guardian
32. You may be considered by courts to be a youthful offender
33. You are under the authority of the Juvenile Court
34. Right to vote
35. Your legal domicile ceases to be the same as that of your parents
36. You may get a social security card
37. Any police or court records on you are confidential and sealed.
38. You may become emancipated

Self Quiz - may be used to play "Black and White"

F 1. A child who earns money at a job may retain his earnings and does not have to give any money to his parents.

T 2. If a child misbehaves the parent may spank him.

F 3. A child who runs away from home cannot be brought back from another state.

F 4. Parents must always consent if a child receives medical treatment.

F 5. If her/his parents' marriage is dissolved, a child has absolutely no say as to which parent(s) he will live with.

F 6. If a child goes to a doctor for a V.D. test, the doctor is required by law to disclose the results to the parents.

F 7. Parents are required to provide only bare minimum amounts of food and clothing for their children.

F 8. If parents do not support their children the only consequence is that the children may be taken from them.

F 9. A child has no obligation whatsover to his parents.

F 10. A child is automatically emancipated when she/he becomes 16 years old.

F 11. A minor cannot be sued for paternity.

T 12. Marriage emancipates the parties and they are no longer subject to the control of their parents for most purposes.

Reproduction Master

When used for educational (noncommercial) purposes, this Reproduction Master may be reproduced without prior consent of the publisher.

Teenagers And The Law

Match each situation with the legal right that has been violated.

___ Craig's parents punish him by tying him to his bed or burning him with cigarettes.

___ Will, who is in a wheelchair, is prevented from going to school because the school doesn't have facilities for handicapped students.

___ Janet is suspended from school for vandalism. She is not allowed to tell her side of the story.

___ Mark, 17, signs a contract to pay for his new car in installments. When he has trouble meeting the payments, he returns the car and asks to get out of the contract. The dealer refuses.

___ After graduation, Amy 19, asks to see her high school records, but her school won't release them.

___ A student newspaper editorial that criticizes the high school athletic director is censored.

___ Josh, 17, works for a landscaper. His boss pays him only $2 an hour and makes him work a huge power saw to cut down trees.

___ Marianne's mother makes her hand over her paycheck each week. She gives Marianne, 16, only a small allowance.

___ Darlene and Susan, both 17, move into their first apartment, signing a one-year lease. They find that the heat and electricity don't work much of the time.

___ The male lifeguards at the pool where Kathy works make 30¢ more per hour than the female lifeguards.

___ An older student approaches a freshman at school and asks for bus fare. When the younger boy refuses, the older boy flashes a knife.

___ Police stop three teenagers walking in the school parking lot and search them and their cars for drugs.

A. right to a free public education

B. right to equal treatment by sex

C. right to protection from illegal search

D. right to personal liberty and freedom from assault

E. right to keep money earned

F. right as tenants to a safe and decent place to live

G. limited right to freedom of expression

H. at 18, right of access to school records

I. right to protection from physical abuse

J. right of voidability of contracts. Minors are not usually bound by the contracts they sign, unless parents or guardians sign too.

K. right to fair treatment on the job.

L. right to a school suspension hearing

The UNDER THE LAW Activity Kit

School Conflict

What happens in your school when someone breaks the law?

Your school has laws (school rules) for the protection of its students, faculty, and staff. For your protection. List one of these laws and tell what happens when it is broken._____

_____

_____

_____

_____

_____

Do you think punishment for breaking this law should be the same for everyone, under all circumstances?_____
yes/no

What would you do if you had to discipline someone breaking this law?_____

_____

_____

_____

_____

_____

Disciplinary Action Alternatives

Listed below are types of disciplinary action often used in schools. Cross out those not used in your school. Add any types of discipline not listed that are used. Your teacher or vice principal can help you compile a complete list.

- warning
- paddling
- after-school detention
- restitution
- suspension
- transfer to another school
- expulsion
- referral to police or juvenile court

Other _____

_____

_____

_____

What would you do if...?

Below and on the next page are some situations requiring disciplinary action. The accused person's guilt has already been established. You are to decide what discipline you would apply in each case. Choose from the "Disciplinary Action Alternatives" above, and write your comments.

Case 1 — Smoking / Arson

An eleventh grade girl was caught smoking in the girls' washroom by the school's cleaning lady. A short while later a fire broke out as a result of the girl's throwing her unextinguished cigarette in the trash. The girl is failing most of her classes and is frequently truant. The previous week she was one of several girls caught harassing younger girls in the locker room. What would you do if you were the girl's counsellor and had to discipline her?_____

_____

_____

_____

_____

_____

_____

_____

If you were the girl, what would you tell the counsellor?

_____

_____

_____

_____

_____

_____

_____

_____

Case 2—Theft

A tenth grade boy, Bruce, grabs a ten dollar bill from another boy while they're standing in line at the school cafeteria. Bruce insists that the money is his, and his friends standing in line with him back up his story. A cafeteria worker sees the incident and reports it to the school security guard. The boy gets his money back.

If you were the school security guard what would you do about Bruce?_____

If you were the victim how would you expect the incident to be handled?_____

Case 3—Vandalism

A 15 year old boy who has been temporarily suspended from school is caught breaking school windows. He claims he broke the windows because he was unfairly suspended for fighting with another student. Replacing the windows will cost about $200.

What would you do if you were the school's principal?_____

What would you do if you were the boy and seriously wanted to return to school?_____

Case 4—Extortion

An irate father phones the school principal to complain that his son Jeff's lunch money was taken by a gang of boys demanding "protection." When Jeff and several other boys in the ninth grade are questioned by the principal they reveal that Steve, an eleventh grade student, was the gang member who demanded the money. Steve is an average student who keeps "a low profile." He's never been in trouble before.

If you were the school principal what would you do with Steve?_____

What would you do with the other boys in the gang?_____

If you were Steve what would you expect to happen to you?_____

If you were Jeff's father what would you expect the principal to do with Steve?_____

Comparing Notes

When you've answered all the questions, meet with three or four members of your class. Compare your answers with theirs. Are there any answers you consider unfair? Chances are you'll see a wide range of responses. What does this indicate about the job of your school's disciplinarian (vice principal, student dean, counsellor, etc.)?

With your teacher's permission plan to dramatize one or more of these situations.

?

What happens in your school when someone breaks the law?

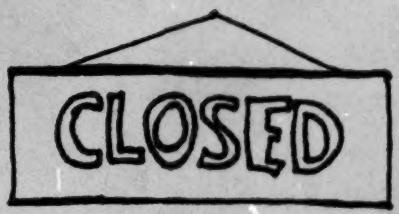
Your school has laws (school rules) for the protection of its students, faculty, and staff. For your protection. List one of these laws and tell what happens when it is broken. _____

_____

_____

_____

"and the sign says....."



Read the following situations and answer the questions.

Situation	What would you do?
You are asked to proctor an exam while the teacher leaves the room. The students begin discussing the answers to the test.	
You find a wallet with $25.00 in cash and complete identification.	
You are driving alone on a toll road. Ahead you see an unmanned tollbooth. It is late at night and no one is in sight. Toll is required.	
You are buying a theater ticket for your little brother. The maximum age for a child's ticket is 12. Your brother is 13, but he is small and looks about 11 years old.	
You are failing a required course. It is the night before the final. Your friend knows that you are in danger of failing and somehow gets a copy of the test questions.	
You are working in a ticket box office. Your friends come to the window and ask you to give them free tickets.	
You are not allowed to take the family car without asking first. No one is home but you. The car is in the garage. A friend needs a ride to your house so that both of you can finish a joint school project.	

19

LIVING ON YOUR OWN:

A DISNEY LIFE SKILLS PROGRAM

Name _____ Date _____

For each situation below, write one or more paragraphs telling what you would do, step by step, and why. Tell about different events which might occur and what you would do in each case.

You have just purchased a new shirt. When you brought it home and took it out of the bag, you noticed a tear in one of the seams. You have the receipt.

A few days ago you purchased a new pair of shoes. When you wanted to wear them for the first time today, you noticed that one of the heels is loose. You also noticed that the salesperson had forgotten to put the receipt in the box.

Some months ago you purchased a clock radio. You sent the warranty card and filed the other literature for safekeeping. When the clock stopped working a few weeks later, you took the clock radio back to the store where you had bought it. The store manager would not exchange the radio; instead she told you to take it to one of the repair shops listed in the literature. The repair shop people were unable to fix the clock. They told you to send the clock radio to the manufacturer. You did so, along with a letter of explanation. Several weeks passed and you heard nothing. You wrote another letter to the manufacturer. It's been two weeks since you wrote the last letter and you still have heard nothing.

You are shopping for clothes. You notice a shirt which has obviously been worn hanging with the other shirts.

You are shopping. You notice someone you know in the act of shoplifting. A moment later the shoplifter notices you and comes over to say hello.

You are interested in buying a stereo system. You are talking about it with a friend at school when someone else approaches you. Your friend leaves and the other person tells you that he knows of someone who has many used stereo systems to sell very inexpensively. The person with the stereos is not associated with any store.

You would like to join a record club you read about in a magazine. As a member of the club, you would buy a certain number of records each month. The magazine advertisement is filled with small print, including an agreement and a form to fill out and sign.

You are grocery shopping with a friend. You are picking out fruits when your friend decides to "sample" some grapes - just to see how they taste.

CONSUMER LETTER

Todays Date _____

Address _____

Town, State, Zip

Company Name _____

Company Address _____

_____

Dear Sir or Madam:

I was (happy or disappointed) with your product (name) (where was it purchased). These were the circumstances of my (pleasure or disappointment). (If displeased - what compensation do you expect? - refund?)

Sincerely,

_____
(Your Name)

---

1. Head and Shoulders Shampoo
   Professional Services Division
   Proctor and Gamble Distributing Co.
   2150 Sunnybrook Drive
   Cincinnati, Ohio 45237

2. Listerex Scrub
   Warner-Lambert Co.
   Morris Plains, N.J. 07950

*Thank them for free sample!

Submitted by: Kathy McMahon
Dr. Robert H. Brown School

Writing Complaint Letters

NAME _____

Perhaps you've had trouble with something you've brought. Can you write a good letter explaining what you think should be done? Assume that you've written the letter of complaint printed here.

_____
(Your street address)

_____
(Your city, state and zip code)

_____
(Today's date)

Robert Gauntlett
Customer Service Manager
Jeans and Shirts, Incorporated
631 Fifth Avenue
Iowa City, Iowa 52240

Dear Mr. Gauntlett:

On June 17, 19___, I paid $7.95 for a patchwork shirt made by Jeans and Shirts, Incorporated, I brought it at Teen Scene, which is located at 18 Harmil Road in _____ (your city and state). A copy of the sales slip is enclosed. Although I followed the washing instructions on the label, the first time the shirt was washed, it was completely ruined. The colors ran together and most of the seams came apart.

David Holden. the manager of Teen Scene, refused to return my money when I brought the shirt back on June 23, 19 ____. I feel that Jeans and Shirts, Incorporated should refund the purchase price to me.

Sincerely,

_____

1. Why should you be sure to include your own address and the date when you write a business letter?

_____

2. What are the advantages of finding the name of one of the company's executives and addressing your letter to him or her? _____

_____

3. Where might you be able to get a company's address? _____

_____

4. What does this letter say that the company should do? _____

_____

5. Why would it be a good idea to keep a copy of your letter for yourself?

_____

_____

6. Would you send your original warranty and sales slip with a letter of complaint?
_____ Why or why not? _____

Think of a time that a purchase you made didn't satisfy you. On another sheet of paper make a list of information you would need to know in order to write an effective letter of complaint about the purchase. Underneath your list write a letter explaining what went wrong and what you think should be done. Include specific details like names and dates to back up your claim.

SATISFACTION GUARANTEED

You've Got Rights

NAME _____

Some of your legal rights as a consumer are listed in the first column in the chart below. To get ready for a small group discussion, fill in column two with examples of times when the rights in column one have been violated. For example, a sweater that burns up in a few seconds violates the buyer's right to have his or her safety protected. Use examples from real life or make up examples to show the kinds of violations that can occur.

Read your examples to your discussion group to see if the group members can guess which right is being violated in each example. Discuss with your group the laws and practices that protect each of the rights. For example, health laws forbid the sale of contaminated meat in order to protect the consumer's health. Work as a group to fill in examples of similar laws and practices in column three.

1. The Buyer's Rights	2. Examples of Violation	3. Laws and Practices that Protect the Buyer's Rights
A. The right to honest and courteous treatment.		
B. The right to choose among a wide variety of products.		
C. The right to the information you need in order to buy wisely.		
D. The right to have your health protected.		
E. The right to reasonable quality and service in everything you buy.		

1. Which of the rights on the chart above does your group consider to be most in need of increased legal protection? _____

_____

2. Do you propose legal changes at the local, state, or national level? _____

YOU'VE GOT RIGHTS (cont.)

3. Describe the kind of law your group thinks is needed. _____

_____

_____

4. In which area does your group think that there ought to be fewer laws governing buyers and sellers?

_____

_____

Why? _____

The Butterick Consumer Education Series
©1977 Butterick Publishing A Division of American Can Company

AGENCIES THAT PROTECT THE CONSUMER

Consumers who use products that turn out to be unsafe can take their complaints to several agencies of the Federal government. The consumer does have a strong and active voice in setting product standards. Below you will find the names of six agencies that work in the interest of your safety. The descriptions that follow tell what the responsibilities of each agency are. (Match responsibilities to agency by letter.)

___Food and Drug Administration (FDA)

___Federal Trade Commission (FTC)

___Office of Consumer Affairs

___U.S. Consumer Product Safety Commission (CPSC)

___Occupational Safety and Health Administration (OSHA)

___National Highway Traffic Safety Administration (NHTSA)

A. Enforces laws that protect the consumer from false advertising. Also requires labeling on various products.

B. Coordinates inquiries and complaints about high prices, poor quality, and safety of products.

C. Protects the public against unreasonable risks of injury associated with over 10,000 consumer products, develops safety standards for consumer products, and researches causes and means of prevention of product-related deaths, illnesses and injuries. Administers the Consumer Product Safety Act, Federal Hazardous Substances Act, the Flammable Fabrics Act, the Poison Prevention Packaging Act, and the Refrigerator Safety Act.

AGENCIES THAT PROTECT THE CONSUMER

D. Writes and enforces safety standards for automobiles, trucks, buses recreational vehicles, motorcycles, mopeds, and all related accessory equipment.

E. Has responsibility for safety and health in workplaces with one or more employees.

F. Enforces laws insuring the purity and safety of foods, drugs and cosmetics, and the truthful, informative labeling of such products. Also enforces radiation safety standards for products such as X-ray equipment, color television, sunlamps, and microwave ovens.

If you have a complaint about the safety of a consumer product, or if you have sustained a product-related injury, you can call the U.S. Consumer Product Safety Commission anytime, from anywhere in the continental United States. Your voice counts. You can help us make consumer products safer.

CPSC's toll free number:

800-638-2666

CPSC's Hotline number for the deaf:

800-638-2690

mgd
9/79

Legal Rights of Students More Defined Now

BY MARTHA MATHER
Knight News Wire

ST. PAUL, Minn. — Just what are a dent's legal rights?

Can a female student be sent home wearing a low-cut sweater or a le student be told to cut his hair? n protesting students have out liter- e in the hallways? Can police search ident lockers for drugs?

The last decade has seen many anges in the area of school rights th court suits and federal laws defin- ; more closely the manner in which idents can be punished, if handi- pped students can be segregated into pecial" classes, and whether a stu- nt has the right to challenge his ades.

"I don't know that the student has ined more rights, but court suits in cent years have defined those rights ore clearly. It used to be that schools re always right — now that's not so," id E. Raymond Peterson, associate mmissioner for the Minnesota De- rtment of Education and a specialist school rights.

"Now they (school administrators) ink about it before they take a posi- on," said Peterson.

Here's how student rights currently ack up:

DRESS: The U.S. Supreme Court has fused to consider dress code or ooming cases, but lower courts have led that a student has the right to ess as he pleases. The key determi- nt seems to be health and safety fac- tors and whether the dress or grooming is disruptive to the educational process.

A female student can be told to cover up a revealing sweater, says Peterson, if the nature of the garment disrupts class. He said a student may be asked to cut big pin backs in or her hair for safety reasons (for example, if it endan- gers the student while using machinery in a vocational machine shop class).

FREEDOM OF EXPRESSION: A landmark U.S. Supreme Court case in 1969 has set the tone for first amend- ment rights of students. In that case, three Des Moines high school students were sent home for wearing black arm- bands in protest of the Vietnam War. But the ruling has been expanded in its interpretation to include other means of expression like speech, school publi- cation and distribution of buttons or leaflets.

So a student can't be suspended for passing out buttons or expressing his views. But here the matter of disrup- tion applies, too. Students who "materi- ally and substantially" disrupt school activities by noisily blocking hallways or interrupting an English class may be prevented from expressing their views.

Students, however, who print obscene or libelous items in the school paper are held liable for their actions.

STUDENT RECORDS: In 1974, Con- gress passed the Family Educational Rights and Privacy Act that allows pa- rents to view and review their children's permanent and cumulative school re- cords. "It's the most misunderstood area of school rights," said Peterson. "Most parents and some school admin- istrators don't know about this law."

Peterson said parents can object to facets of the student's record. A hearing can be held to determine whether the record should be altered, and even if the parents lose their case, they can still de- mand that a statement detailing their side of the story be filed with the stu- dent's records.

Another little known provision of the act is that high school graduates or stu- dents over 18 can inspect their own re- cords. Since majority age in Minnesota and many other states is 18, students 18 or older can also sign their own absence excuses, permission slips and report cards.

SUSPENSION, EXCLUSION, EX- PULSION AND CORPORAL PUNISH- MENT: Students "kicked out" of school do have a right to due process under the 14th Amendment.

The Minnesota Pupil Fair Dismissal Act spells out a student's rights in cases of suspension, exclusion and expulsion. (Suspension is action taken by a princi- pal or other school administrator and usually prohibits a student from attend- ing classes. Exclusion, which bars a stu- dent from enrolling, and expulsion, which bars an enrolled student from at- tending, are both actions taken by a school board.)

Under due process, a suspended stu- dent must be given an oral or written notice of the reason for the action and an opportunity to present his or her ver- sion. Such a "hearing" may only be an informal talk in the principal's office immediately following the incident. The hearing should be held before the suspension is imposed, but if the student is presenting a clear danger — like fighting — he can be dismissed immediately.

RIGHTS OF HANDICAPPED AND GIFTED: The Education of the Handi- capped Act establishes the right of a handicapped student to a free, appro- priate public education. That means if at all possible, a handicapped student will attend regular classes with the help of supplementary aids or services. If not, the handicapped should be pro- vided with "special" education.

Recent strides have been made in providing education for the gifted child — one who is judged to have academic or skill abilities far above average.

STUDENTS AND POLICE MAT- TERS: Although it is a confused area of the law, it is implied that police can conduct reasonable searches of school lockers because it has been deemed that the lockers don't belong to the stu- dent, but to the principal.

In the area of questioning by police, a student does retain the right to remain silent. School officials may not demand that a student submit to questioning.

CHALLENGING GRADES: Can a parent or student challenge his or her grade? The U.S. Supreme Court has re- fused to interfere, saying the courts are particularly ill-equipped to evaluate academic performance. The only basis for changing a grade is if the student can prove that the grade was given ar- bitrarily or capriciously.

For more information on school rights, you can write for the recently- published booklet, "The Constitutional Rights of Minnesota Public High School Students," prepared by the Minnesota Civil Liberties Union, 628 Central Ave., Minneapolis, or "Your Legal Rights and Responsibilities: A Guide for Public School Students," compiled by the De- partment of Health, Education and Welfare's Youth Development Bureau, Washington, D.C. 20201. Both are free.

GET SMART

What is It and How Does It Affect You?

What is family law and why is it such a big deal? Basically, family law concerns itself with the legal aspects of marriage, the relationship (in terms of rights and responsibilities) between a husband and wife, and even the relationship between parent and child. It's also a major factor in the breakup of a marriage because divorce laws also fall under family law.

Society and the family are changing, and family law is changing with them. For example, laws may someday cover the rights and responsibilities of unrelated adults living in groups or communes, and premarital contracts and agreements. Test your knowledge of family law—and its effects on you—by taking this quiz. Check your answers against those on the following page.

1. You're 17 years old. You've just started college and are sharing an apartment off-campus with two friends. Although your parents are footing the bill for tuition and rent, you're proud of the fact that you're handling your everyday living expenses. You're even prouder of your newly-acquired credit card from a local store, but when you tell your dad about it, he demands that you give it to *him!* You tell him you have a legal right to your own credit card.

True ☐ False ☐ It Depends ☐

2. You and your boy/girlfriend want to get married. You are both 18, finished with school but still living at home. Both your parents

ILLUSTRATED BY TERESA ANDERKO

are opposed to your getting married so young, but since you're both at the age of "legal majority," there's nothing they can do.
True ☐ False ☐ It Depends ☐

3. You and your boy/girlfriend are planning on getting married next spring, and you plan on writing your own marriage contract. Your brother puts a damper on your plans by telling you that the rights and responsibilities of a marriage contract are spelled out by law, not by the individuals involved.
True ☐ False ☐ It Depends ☐

4. You have had it! Your friends have a 12:00 weeknight curfew and yours is 11:00! You tell your parents that you are going to be coming in at midnight from now on. After all, you're really a "young adult." Your mother tells you that that's true, but you also have a responsibility to obey your parents until you're of legal age.
True ☐ False ☐ It Depends ☐

5. Your father is driving you to school and he unintentionally runs through a stop sign and sideswipes another car. The jolt turns out to be a pain in the neck (literally) for you. You've got to wear a neck brace for the next three months. Besides being uncomfortable, it's going to be most unattractive with the formal you plan on wearing to the winter ball. Your boyfriend (who is an aspiring lawyer) tells you that you can sue your father.
True ☐ False ☐ It Depends ☐

6. Your parents are getting a divorce. You are 16 years old and would rather live with your father than your mother—primarily because you feel the "guys" in the family should stick together and because you're closer to your dad. Your dad wants this, too, but he warns you that you won't have much to say as far as custody is concerned.
True ☐ False ☐ It Depends ☐

7. You are 17, and you go to the drugstore to purchase non-prescription contraceptives. The druggist asks your age, then refuses to sell them to you without your parents' approval. You tell him that violates your right to privacy and that he must sell them to you.
True ☐ False ☐ It Depends ☐

8. You've been accepted to the college of your choice. Your parents are proud of you, but the school is out of state and they don't want you to be so far from home. In fact, they're so against it that your dad refuses to pay your way. Legally, they have to put you through school!
True ☐ False ☐ It Depends ☐

9. Your dad has a drinking problem, and when he's had one too many he can get pretty hostile. When he's like that, he takes it out on you, your sister, even your mother. He's always sorry afterwards. You believe him, and you love him, but you can't take it anymore. Your mom can't deal with it, so you decide to report the abuse to the police. Your mother tells you that you can't file a complaint against your own father.
True ☐ False ☐ It Depends ☐

10. You and your parents don't get along too well, but it's two years till you are of legal majority and can leave home. A friend of yours who is in the same boat tells you that you can file for "legal emancipation" and leave now—no problem, no special conditions, nothing!
True ☐ False ☐ It Depends ☐

ANSWERS:

1. False. As long as you are under the age of legal majority and are dependent primarily on your parents for financial support, they can be held accountable for your bills. You must have your parents co-sign an agreement for credit. If they don't or if they are opposed to your having credit cards, they are within their rights.

2. It Depends. Just because you're at the age of "legal majority," it doesn't follow automatically that you are of legal age to marry — that varies from state to state. If you aren't of legal marrying age in your state, you may need parental approval, approval from a judge, or both! If you marry without the required permission, your marriage may be declared void; or it may be considered valid *as long as* no one protests or challenges the marriage. In some states, you can marry before you're of legal marrying age, but the marriage becomes legal only when you reach legal age.

3. True. Marriage is a contract, but unlike most contracts the rights and responsibilities are established by law, not by the parties involved. Legally, when you marry, you are consenting to this agreement, and once mutual promises are made, you each have legal rights and responsibilities to the other. You can draw up your own contract and honor that, too, but you *must* honor the marriage contract, as well.

4. True. As long as you are a minor, you are subject to your parents' control, and you even have a duty — within reasonable limits — to obey them. Of course, your parents also have certain responsibilities toward you. They are responsible for your support, education, and protection! Once you are an adult, you are free of your parents' control. Of course, they are free of their responsibilities to you, too.

5. It Depends. Most states oppose this *even if the injury is not accidental*, because most courts feel such a lawsuit would destroy family unity. However, some states do allow for lawsuits against a parent when the injury is due to an auto accident. Why? Many courts feel the suit is between the insurance company and the child, not the parent and child.

6. It Depends. The court may take a child's wishes into consideration, but it doesn't have to do so. Also, these wishes are really only considered valid if the court feels the child is old enough (12 or 14 and above) and intelligent enough to make a rational choice. Most courts feel that a minor's wishes *may* or *should* be considered, but are not the deciding factor.

7. It Depends. It's really up to the state courts and legislatures. In many states minors are permitted to buy birth control devices in a drugstore without parental consent. Many states rule that a doctor *may* provide birth control information and contraceptives to minors. Many have ruled that certain state and local welfare departments are *required* or *permitted* to dispense birth control devices and information to minors of childbearing age.

8. It Depends. In most cases financial support of a child through college is not required by law. This is because higher education is recognized as the *right* of every person admitted to college, but it is not a requirement for everyone. Courts might rule that a parent pay a child's university education if the court feels the parent is financially able *and* if the court feels the life situation of the child requires it.

9. False. All minors have the right to protection from physical harm or major psychological injury — which constitute child abuse or neglect — from parents or custodians. Although it may be difficult to do so, minors also have the right to report their own abuse or neglect and have the matter investigated.

10. False. Although some states do allow minors to petition for emancipation, most of these states require parental consent to the court's decree — sort of a built-in "catch-22." There are also certain conditions that will weigh heavily on the court's decision — financial and personal independence from one's parents are at the top of the list. Emancipation, which can be total or partial, occurs automatically at the age of majority or through certain circumstances, such as marriage or joining the armed forces.

ILLUSTRATED BY TERESA ANDERKO

CASE STUDIES

1. Mary, a 16-year-old, has a year-around job which permits her to work only part-time when school is in session. When her parents insist she pay part of her wages for board and room at home, she and her parents have a fight resulting in her leaving home with a seriously bruised arm and moving in with an older girl.

   What responsibilities do her parents have for providing board and room? If parents call the police, can the police force Mary to return home? What can the school do? Do her parents have any legal rights to Mary's wages?

2. Mr. and Mrs. Jones were members of a religious group, the teachings of which specifically forbade the rendering of medical treatment and the eating of meat. The three Jones children - Abner, age 17; Betty, age 14; and Clyde, age 10 - were brought up very strictly.

   Abner obtained a job stocking shelves in a local store after school only to discover that his parents kept all of his earnings and refused to allow him to spend any of his own money. Betty was not allowed to attend any social functions at school and, although she frequently became ill because of a congenital heart defect, was compelled to do housework for her mother and was given no medical treatment. Clyde was seriously injured in an automobile accident one day and taken in an emergency ambulance to a local hospital. His parents refused to allow him to receive a blood transfusion but the doctors in charge, in spite of the parents' protests, proceeded to administer blood which they believed was necessary to save the child's life. None of the children were allowed to eat meat and the family meals consisted of a very minimal amount of fruit and vegetables.

   All three children were undernourished, thin, pale and nervous as a result of this treatment. Finally they determined to leave home: Abner going to Wisconsin to work on a farm, Betty going to live with a relative in Duluth and Clyde going to a nearby friend's house.

   Mr. and Mrs. Jones found Clyde, brought him back home, and locked him in the basement for three days during which time they gave him only bread and water and told him to reflect upon his sins. At the end of the three days they soundly thrashed him and advised him never to run away again.

   Is there any way for the parent to compel Abner to return from Wisconsin? Were the parents entitled to retain Abner's earnings? Can Betty compel her parents to provide her with medical care? If the County Welfare Board learns of the treatment of Clyde, what steps may be taken? If the children do not adhere to the parents' religious views, can they compel the parents to provide them with more or different quality food? How will it be determined whether the parents will have the right to retain custody of the children? If it is decided that the parents will have the right to retain custody of the children? If it is decided that the parents will not have that right, what will happen to the children?

ILLEGAL BEHAVIOR - LEARNING ACTIVITIES

Shoplifting

1. Read together and discuss the "Facts About Shoplifting" and "Sandy Shoplifted Last Saturday . . ." or "Ripping Us Off!".

2. Divide the class into small groups. Assign each group a Shoplifting situation from those listed or ones you made up. After reading their situation they should answer the questions following the situations. When enough time has been given, pull the class together, and have each report on their shoplifting situation. Compare and contrast the similarities and differences. A discussion of suitable punishments for each may follow.

3. Using appropriate props and costumes have students perform the Shoplifting Skit "Who's To Know?". Together discuss the follow-up questions.

4. Read together "Lets Go Shopping" and "Holly's Friends". Have students answer the questions which follow.

5. Invite a speaker from: the Local Youth Services Bureau; a store security person; a probation officer or a store owner to tell about precautions etc.

6. The following movies are available:

"Shoplifting - It's A Steal" (free)
General Mills Film
9200 Wayzata Blvd.
P.O. Box 1113
Minneapolis, MN 55440

"Caught" (free)
Hartford Police Department
Neil Sullivan
627-6300

VANDALISM

1. Cut apart the list of situations and distribute one to each student. Have each student decide if the situation given constitutes vandalism giving reasons for their answer. For each case given have students decide on a suitable punishment. From this you may want to arrive at a definition of vandalism.

2. Read together and discuss the article on vandalism. Have students answer the thought provoking questions as you read.

3. Using the appropriate props and costumes have students perform the skit "Just For Kicks". Use the follow-up questions for further discussion.

FACTS ABOUT SHOPLIFTING

Shoplifting is a major part of our economic picture yet there is very little information available to use as a basis of beginning a discussion on the topic.

1. Each day of the year it costs retailers $10 million in stolen merchandise. This makes prices go higher. If one pack of gum is stolen, the store must sell 100 packs or increase the price to make up the amount lost.

2. Shoplifting is one of the major causes of many business bankruptcies.

3. Over 50% of all shoplifting is done by teenagers.

4. The FBI estimates that 1 out of 3 people in the 13-19 age bracket steals sometime.

5. Girl shoplifters outnumber boys 20 to 1.

6. 1 out of 15 customers enter a store with intend to steal.

7. People shoplift because:

   A. They want attention at home,
   B. They want to rip off the establishment,
   C. Wide open stores give them opportunity, and
   D. It is a thrill, kick or game.

8. If caught shoplifting:

   A. The store owner or guard calls the police and then the parents,
   B. A report is written up, and
   C. A police file is started. You can be arrested at any age. If you are under 18, a juvenile officer will decide wheter you go on probation or are to be turned over to the juvenile courts for trial. A person over 18 will have to face trial in a regular court. If you are convicted, depending on your age, past record, and seriousness of the theft, you can be:

      1) fined up to $5,000.,
      2) sent to a penitentiary,
      3) sent to a correctional institution,
      4) referred to a public or private agency, or
      5) put on probation under constant watch. Most are put on probation.

coping

SANDY SHOPLIFTED LAST SATURDAY...

WHAT DO YOU THINK SHE GOT?

Sandy let the gold necklace dangle from her fingers. She closed her hand and it was almost hidden. She strolled to the next counter, dropping the necklace into her shoulder bag. No one had noticed.

Sandy half told herself she wanted her hands free to try on scarves. Then it hit her. It would be so simple to hide the price tag and walk right out of the store. Who will it hurt, Sandy thought. Just once I'd like to have something nice without scrimping for it. She thought she looked very casual walking out the revolving door. She was free.

But before she reached the curb, Sandy was collared. The woman holding her arm was a plainclothes guard, firm but polite. Sandy figured she could explain her "mistake" and go back to pay at the register. But the woman said Security wanted to ask her some questions. It was a long walk to the office.

Sandy was left with a store detective. He didn't want an explanation, just her name, address, and the items she'd taken. He wrote it all down on an official form. She wasn't really scared yet. Then he asked for her parents' names.

"Why should I answer all these questions?" she hedged. "I said I'd pay."

"We want a permanent record of the incident," the man replied. "You left the store with unpaid merchandise. You can be charged with shoplifting, so I suggest you cooperate. Please read this."

Sandy felt stupid when she saw the report. The items she'd taken were listed with the price. For a measly $5.09, she wouldn't be in this mess.

Then Sandy saw the fine print..."took possession without payment"..."can be used against you in a court of law." She got scared and shaky. "You're not going to arrest me?" she pleaded.

"Do you realize what you've done is stealing?" said the man. "We can have you arrested and prosecuted, even for a five-dollar theft."

Sandy was horrified. She had just been labeled a criminal, for one mistake. She imagined handcuffs, a police car, a jail cell. It couldn't be true. Sandy cried.

"I'm sorry, miss," said the store detective. "It's not our policy to let even small thefts go by. I'll have to file this information and call your parents. If you cooperate and sign this Statement of Admission, it'll keep you from being arrested —this time." Sandy gulped, and signed.

Sandy was lucky. If she had resisted, run away, or made smart remarks, the store wouldn't have let her off. This time they called her parents, not the police.

Sandy shoplifted last Saturday. She got caught. She got warned. She got grounded. We hope she got wise.

WHY TEENS ARE TEMPTED

"Why did you do it?" Teens who get caught say, "I did it for kicks, on an impulse, on a dare." Others have more elaborate alibis. "I'm an undercover reporter for my school newspaper. "My friends threatened me."

Lawyer William Gold says, "I'm not surprised many teens are tempted to see what they can get away with. They're at the age when they're testing a code of values, and sometimes there aren't strong role models to look up to. There are parents who cheat on income taxes. There are government officials who cheat taxpayers. Society doesn't always do that good a job of living up to its own values."

Stores agree that self-service counters and gorgeous displays do offer temptation. But, they say, neither pretty packaging nor ignorance of the law is any excuse.

Psychologists say that teens who shoplift repeatedly are young people with problems. Young people who feel a lack of attention or caring at home sometimes try to make up the loss with snitched clothing or other "gifts." Teens who resent the way parents, teachers, and other adults treat them may steal to get back at adult authority. Girls often lift luxury items—perfume, jewelry—that parents won't allow them to buy. The thrill in shoplifting is a secret sense of power, as well as the items taken.

NOT JUST A PRANK

Snitching things from stores used to be seen as part of growing up. Naughty, but no harm. Lots of kids did it and went on to become law-abiding adults. But over the past ten years, shoplifting has grown to epidemic proportions. It happens in every community, rich and poor. A pair of sneakers here, a few record albums there. Multiply those little losses thousands of times and it adds up—to about two billion dollars every year.

Sandy, who got caught shoplifting isn't the only one with a problem. It's everybody's problem. As consumers, petty theft costs us plenty, some experts say about $150 per family per year.

When stores lose money because of stolen merchandise, profits go down. Prices go up. The average shoplifted item used to cost $2. Now it's a $28 item. When stores hire extra security guards and buy elaborate protection systems, that's an added expense too. And it's passed along to shoppers. The Jordan Marsh stores in Boston estimate that security costs add 10 percent to prices.

At the National Retail Merchants Association, spokesman Gordon Williams points out, "Young people assume that stores loaded with attractive merchandise must be rich. It's not true. Retail stores operate on a very small profit margin, maybe three percent. Even

U.S. Stores lose a total of $2 billion a year from shoplifting.

More than 50% of shoplifting is done by teens . . . mostly girls.

Shoplifting raises prices as much as 10%.

small losses are felt. When some people steal, we all make up the difference out of our pocketbooks."

THE STORE *IS* WATCHING

"It's my business to know about teenage shoplifters," says William Meehan. "Because it's my business to prevent losses in our stores." Mr. Meehan is Director of Security for 58 Korvettes stores throughout the East. He's a large, calm man who speaks in a nonthreatening but firm voice.

"I'm not talking about hardened juvenile delinquents. A lot of basically good kids try to take our merchandise. In most cases they have more than enough money to pay for what they snitch. But they want something. They think nothing will happen if they take it. Well, I've seen a lot of very nice young people, very sorry and shocked after we see them in our office.

"The fact is, shoplifting is stealing, whether it's a 79-cent belt or a 79-dollar camera outfit. And in shoplifting, teens are the amateurs. We're professionals. We know how snitchers operate. Often we can spot them before they move."

Every major retailer has stepped up prevention. Uniformed guards are visible. Less visible protection includes plainclothes detectives, closed-circuit TV scanners, and clothing tags that set off an alarm if they're taken past the door.

John Powers, Director of Security for the Jordan Marsh stores in the Boston area, says, "You may hear people around your school bragging about what they've lifted. But remember, you don't hear them talking after they get caught. If you shoplift, we'll be watching. Sooner or later you *will* get caught."

And when you are, the days of lecture and warning are over. Mr Powers echoes store managers across the country who say, "We're not fooling. Shoplifting is stealing. We'll prosecute."

IF YOU GET CAUGHT

Getting caught stealing—even the first time—is a humiliating experience. There are also consequences. Your parents will surely be informed. The store will have a record and never want to hire you. Plus you might feel too embarrassed to shop there again. Try explaining that to your friends.

In some larger cities, major retailers keep shoplifters on a computer. If you snitch at Store B, they can find out you've already snitched at Store A. They'll know it's *not* your first time. In smaller towns, word gets around. Young people who go around ripping off the local merchants find their reputation precedes them.

Many people believe the courts are too busy to bother with shoplifters, or that police prefer to be lenient with juveniles. To an extent that's true. In many cases a juvenile between 16 and 19 years of age will get a Youth Offender conviction, instead of a permanent police record, or it will be sealed.

But William Gold, a lawyer who has represented young shoplifters, advises, "It's not a good idea to have any kind of record. If you have even a juvenile-delinquency notation, people know about you. They cannot read a sealed record, but they'll know it's there."

Shoplifting carries criminal penalties, including fines and jail sentences. Even if you get off on probation, consequences follow you. Attorney Gold points out, "Many job applications ask whether you have any kind of police record. If you do, that's a tough question to answer. Banks, insurance companies, and government offices check past records especially carefully. Now, no one can say that one shoplifting incident is going to ruin your life. But if an employer has several qualified people to choose from, and you've got a record, who do you think will get picked?"

At those prices, is shoplifting worth the risk?

CARLOS CASTRO

WHAT YOU CAN DO

- Don't play along with the crowd that thinks shoplifting is smart. Want some good counter slogans? Try these: "Shoplifting Is Stealing"; "Shoplifting Is Not A Game, It's A Crime"; "Shoplifting Doesn't Pay—You Do"; "Shoplifting Is Dumb."
- If you see someone shoplifting, report it to a store clerk or security guard.
- When you buy something, make sure you have a receipt. That's your protection against being suspected of shoplifting or being accused by mistake.

In many cases shoplifting should be treated as a symptom, not just a crime. It's a dangerous way of dealing with personal frustrations. It makes more sense to sit down with a friend, adult, or counselor you trust. Better to talk out bad feelings, than act them out

—ANDREA FOONER

SHOPLIFTERS ARE RIPPING US OFF!

By Kathleen M. McPherson

Shoplifting costs! How much is taken in an average shoplifting incident? Who really pays for shoplifting? We, as consumers, all pay for shoplifting; we each pay approximately $137 a year for merchandise we do not ever use—merchandise which is shoplifted from retail merchants, by shoppers—not employees. We are paying for shoplifting through increased prices. Many merchants have had to raise their prices from 3 percent to as much as 15 percent in order to cover shoplifting losses, and these figures do not include internal theft which is also becoming an increasing problem.

Information from the Austin Police Department, Austin, Texas, indicates that shoplifting is one of the fastest growing crimes against property in the United States. It is estimated that approximately one third of all property stolen is taken by shoplifters.

FACTORS LEADING TO SHOPLIFTING INCREASES

The upsurge in shoplifting may be caused by several factors. One factor has been the increase in the number of self-service stores. Self-service stores ask people to help themselves, and they do! A second factor is the method used for merchandising products in the stores. Display techniques designed to guide the customer into impulsive buying of items have tended to encourage impulsive "stealing." A third, less tangible factor may be that changed values, moral standards, and lifestyles in our society have led to an increase in shoplifting. Increases of boredom, competitiveness, and opportunism combined with the present financial and employment conditions of the country tend to lessen the popular belief that shoplifting is a crime.

Ms. McPherson received a B.S. degree in Home Economics Education from Oklahoma State University, taught in the secondary schools of Austin Independent School District for six years, and received an M.A. in Curriculum and Instruction from the University of Texas at Austin. She is teaching Consumer Resources and Marketing at Oklahoma State University.

WHO SHOPLIFTS?

What kinds of people shoplift? Police records indicate that people who shoplift include not only the poor but also those who can afford to buy what they take. Housewives, professional people, children, businessmen, members of all ethnic groups, the elderly, the needy, and professional thieves shoplift. Just about anyone capable of shopping is capable of shoplifting.

Amateur shoplifters commit approximately 80 to 90 percent of the shoplifting done each year. Facts presented in the article "Everything Has A Price" (1977) from the *Texas Retailer* indicate that, "Over 50 percent of the shoplifters apprehended were between the ages of 13 to 19 years... Girl shoplifters outnumber boys 20 to 1."

Young people in this category steal to be "in" with the crowd. In order to be accepted as a member of some groups, they must take a risk to prove their courage. When one such youth gang was apprehended, a set of shoplifting rules was found. The rules contained explicit instructions on how to shoplift, how much merchandise was to be taken to qualify for membership, and the scale of risk categories which were acceptable to be a member of the group. They steal for the fun of it or to "prove themselves" to their peers.

Very young shoplifters are more a nuisance than a financial threat to the retailer. Store operators have a tendency to dismiss theft of small items such as a candy bar. This, however, is stealing. If children are not reprimanded at this point, they may find that shoplifting is fun and begin to develop the practice as a habit and a skill.

Teenage shoplifters account for almost one half of all the arrests in shoplifting. The typical teenage shoplifter is a girl. She is usually between 15 and 19 years of age and is most often accompanied by girlfriends. Her parents enjoy a comfortable income, and generally, she receives a sizable personal allowance from her family. Usually, at the time of apprehension, she has with her adequate money to pay for the items which she has taken. Most teenage shoplifters do not take items to sell, and they are not usually involved with drugs. They take items for their personal use, such as clothes, records, cosmetics, and jewelry. Most often teenage shoplifters steal in stores in their neighborhood or in nearby shopping centers.

What can we, as educators with an interest in consumer affairs, do about the siege of shoplifting? Teachers in Austin, Texas, decided to act. By providing funding and an opportunity to test information, Austin Independent School District promoted the development of a shoplifting curriculum. This curriculum was tested in one high school and compared to a similar control school in the city. Tremendous increases were noted in the knowledge gain of students about shoplifting. Significant gains were also noted in student attitudes toward shoplifting. An additional complementary study should be conducted to determine whether instructional programming can in fact alter behavior of possible shoplifters.

The curriculum package we used contained a curriculum manual, two filmstrips and tape presentations, a set of 19 transparencies to facilitate discussion, a bulletin board kit, and a set of four shoplifting posters. The unit was designed for three days of intensive instruction or an expanded two-week unit with the inclusion of additional ideas and resource people.

The unit was divided into three sections of instruction. The first section, "Start With The Facts," deals with the facts about shoplifting. Who shoplifts? Why do people shoplift? What kind of people shoplift? How much is shoplifted? What causes people to shoplift? What are some of the consequences for the shoplifter and his or her family, for retailers, and for consumers in general?

The second section, "Options We Have," was an open-ended unit presenting various opinions of how "right" or "wrong" it is to shoplift. Students were given situations to discuss and to compare the magnitude of the crime to speeding, cheating on a test, using marijuana, and selling marijuana. Students were encouraged to express their feelings openly without criticism from other students or the instructor.

Through these discussions, students were able to begin a decision-making process of what shoplifting means to them—and, "is it a crime to them?"

Section three, "State Your Case," was carefully developed with the assistance of the Austin Police Department. Legal information and the legal process of being apprehended for shoplifting were explained. "Scare tactics" were NOT employed in this section—just the facts. Students were very interested in the legal processes of being "caught," being with someone who is shoplifting, and the legal implications when the shoplifter is a juvenile and when the shoplifter is an adult.

Students were encouraged to share their thoughts and feelings. Audio-visually supported lectures and open discussions were used to encourage students to develop their own decision-making process.

At this time, extensive plans are being made for reproduction of the kit. Further information about the kit may be obtained by contacting: Ms. Kathleen Morrow McPherson, HEW 436, Oklahoma State University, Stillwater, Oklahoma 74074.

This is just *one* example of how *one* community decided to take action through the process of education concerning *one* consumer problem. Merchants in the area displayed posters made by high school students, speakers from the police department and retail associations participated in class discussions, and students prepared "commercials" for the morning announcements in their school. With a little time and imagination, shoplifting awareness could be carried city-wide by the students themselves.

Shoplifters are ripping all of us off, daily. We are paying for their "fun." You can play a supportive role in crime prevention. Begin by contacting local police officials for information. Retail associations and local merchants can give figures and examples of legal problems of shoplifting in your area. Shoplifting is a crime—let's do something about it!

CLASSROOM ACTIVITY

WHERE DO YOU STAND, FRIEND?

You're a good student. A friend, who partied the night before a big exam, asks you to help him cheat so he can pass.

Absolutely not | **Don't know for sure** | **Sure thing**

A good friend of yours comes over often. One night he asks you to lie and say he was at your house, but really, he was with his girlfriend.

Never | **Not sure** | **Can't help**

You lend your friend your car and he wrecks it. Your friend asks you to take the blame because he already has two wrecks on record and a third means cancellation by his insurance company. Your friend offers to pay you the $100 deductible.

No | **Gee, I can't decide** | **Okay**

Your friend narrowly escapes a bust on marijuana charges, but the police have a warrant for his arrest for dealing. He asks to hide at your place for a few days until the heat cools down.

No, don't have any spare room | **Uh...well...** | **Can't help it if someone uses my garage**

Your friend calls and asks you to go shopping with her. Your mom says she needs to go the same direction and that you may ride to the shopping center with her. As you are leaving one of the shops, your friend shows you some jewelry she has hidden in her purse and asks you to buy something to throw any suspicion off of her.

Can't, don't have any money | **I don't know what to buy.** | **Well, I needed a necklace anyway**

EVALUATION

Each student may complete the following statements as a SELF-EVALUATION:

Today I learned...
My feelings are...
The position I usually take is...

- **In my role as friend, I...**
- **My definition of friend is...**
- **Make sure the students are confident that no one will see the self-evaluations. All students should be allowed to feel free to write and analyze their true feelings.**

1

Give each student their own copy of the "Where Do You Stand, Friend?" handout.

Students should carefully read each situation and decide what they would do in that dilemma. Students should circle the answer that best indicates where they stand. This should be done individually.

2

Construct a large continuum in the classroom. There are several ways to do this: (1) a long mark on the chalkboard, (2) masking tape on the floor, or (3) an imaginary line on the floor. In any situation, the teacher should indicate one end as the "yes" and the opposite end as the "no."

3

Read situation number one from "Where Do You Stand, Friend?" and ask for a volunteer to indicate his stand by taking a place on the large class continuum. After several students have volunteered, ask all of them to express reasons for their position. Then, ask if anyone would like to change positions after having heard the reasons. Allow those to move if they so indicate and ask what reason influenced their decision.

4

Repeat Experience #3 for each of the issues on the handout.

SHOPLIFTING SITUATIONS

Situation 1

Ben, who was 12 years old, had not received for Christmas the toy rocket he so badly wanted. What made it worse was that all of Ben's friends had received toy rockets for Christmas. Even though Ben had many wonderful gifts, he was angry and upset when all of his friends went outside to play with their rockets and Ben did not have one of his own. So while everyone else was busy playing, Ben walked to the toy store where they sold many rockets. He entered the store, and when the woman behind the counter turned her back, Ben picked up one of the rockets and shoved it under his jacket. As Ben was walking out, the woman noticed a big lump under Ben's coat. She told Ben to stay where he was and open his coat. When she found the rocket there, she called the police.

Situation 2

Jack is 15 years old. Two months ago he was arrested for the third time for stealing and has been living at home waiting for his case to be heard in Juvenile Court. His friend, Al, who is 16 years old, has an old car, but it needs some repairs before it can be driven. Al is able to do the work on the car but does not have the money to buy the auto parts he needs. Jack says to Al that he will ge the parts if Al will let Jack drive the car once it is running again. Al agrees and asks Jack how he'll get the parts. Jack assures Al he can get them and heads for downtown. He goes into an auto parts store, asks the counterman for the parts. Jack then asks for other parts, Jack grabs the parts he needs and begins to run out the door. A customer who has been watching Jack realizes that Jack is trying to steal the parts. He yells out, "Thief, somebody stop that boy!" A worker in the store hears the screams, sees Jack fleeing and runs after Jack. Since the parts are big and heavy, Jack cannot run very fast and is caught by the worker. The worker brings Jack and the auto parts inside the store and calls the police.

Situation 3

Mark was 12 years old, went to school every day except when he was sick, and brought home good grades from school. His parents were proud of him and helped him find jobs after school so he could have his own spending money. One Saturday, Mark and his friends went downtown. They went into a jewelry store and saw some watches. Mark thought that if he owned a watch, he would be sure always to be on time for school and his jobs. While his friends watched out for the guard, Mark stole a watch. However, the store detective saw him, caught him and called the police. This was the first time Mark had ever been in trouble with the police.

Situation 4

Janet was 13 years old and twice before had been caught stealing records. Since her parents did not like Janet playing records on the expensive stereo, they never gave her money to buy records. All of her friends had plenty of records and Janet thought she should have some, too. So again Janet tried to steal (shoplift) some records and again Janet was caught. The police were called to arrest Janet.

Situation 5

Amy, who was 13 years old, was from a very poor family and all of her clothes had been worn by others before she ever got to wear them. She was always sad when her friends came to school dressed in new clothes. Nobody ever said a nice thing about her clothes. One day, Amy walked downtown and say a very pretty sweater in the store window. She thought to herself that if her friends saw her wearing this sweater, they would all say something nice to her about it. Amy walked into the store and tried on the sweater. I t fit perfectly. Even though she did not have the money to pay for it, she wished she could have it since it looked so pretty on her. She thought that if she just put her jacket on over the sweater and then walked out of the store, nobody would know that she was still wearing the sweater. Just as she opened the door to leave the store, the store detective asked her if she had returned the sweater. The store detective then asked her to unbutton her jacket. When she did, the detective found the sweater and immediately called the police.

Situation 6

Jimmy was 11 years old and loved comic books. As soon as he received his weekly allowance, he would walk downtown to buy the newest comic books. Since Jimmy had been sick the past week, he had not been to the store that week. So as soon as he was better, he rushed off to get the latest comics. When he entered the store, he saw plenty of new comic books. He was so excited that he grabbed the two comic books he wanted and dashed out of the store forgetting to pay even though he did have the money in his pocket. Jimmy, who was looking at the comics as he headed for home, had not gone far when Mr. Wilber, the owner of the store, caught up with him. Mr. Wilber called Jimmy a thief, brought Jimmy back to the store and called the police. Mr. Wilber said he was tired of kids stealing comics from his store.

Questions for discussion:

1. reasons for taking object(s)
2. objects taken
3. possible punishments, if any
4. individual's history of stealing
5. whether or not the police should have been called
6. what the police should (do) have done after being called
7. how the parents of these kids will or should react and respond?
8. what if each of those kidn were adults, should they be treated the same or differently?

Skit 1 **SHOPLIFTING (5 characters)**

WHO'S TO KNOW?

Characters: Narrator (boy or girl)
Jane
Wendy
Mrs. LaMonica
Saleswoman

Suggestions for Costumes: Jane, Wendy, Mrs. LaMonica - jackets, coats, purses.
Saleswoman - glasses, older-looking hairstyle

Props: Girl's crewneck sweater with sales tag*
Girl's v-neck sweater*
Eyeshadow
Wallet
One or two tables to use as display counters

Optional Props: Rack, hangers, chain and lock for jackets
Signs
Mirror
Shopping bags

NARRATOR: Scene I takes place after school. Jane and her friend, Wendy, enter the cosmetic department of a local department store. It is very crowded.

JANE: Wendy, you know that sweater your folks brought you back from Bermuda the last time —

WENDY: Yeah —

JANE: Well, Alice told me that she saw some like it in the Junior Department in all different colors.

WENDY: Really? They're probably not as nice but let's take a look anyway. *(Jane turns to head over there)* Not too fast, if you know what I mean.

JANE: *(In an angry whisper)* Wendy, are you going to start that again? They've got TV's and mirrors in here. You're going to get caught!

WENDY: *(also in a whisper)* Just take it easy, Jane. See how crowded it is in here. And besides...have I ever gotten caught?

JANE: No...but-

WENDY: Well then? You just stay cool and act like nothing's happening...okay?

JANE: Oh...all right.

SHOPLIFTING SKIT - Page 2

WENDY: Look at all these great eye shadow colors--will you? *(she slips one into her pocket)*

They move into leather goods department.

JANE: I'd give anything for one of those wallets.

WENDY: Oh yeah? Well let's see what we can do about that.

JANE: No, not that way, Wendy.

WENDY: *(whispering)* Will you relax, Jane? *(as she slips the wallet from the counter into her tote bag)*

Jane and Wendy cross the aisle to the Junior Department.

JANE: Here are the sweaters Alice must have been talking about. Don't you love the colors?

WENDY: Yeah - these really are nice. Especially that crewneck. *(She takes it off her coat, tries the sweater on over her shirt and looks in a nearby mirror)* Not bad!

JANE: I like the v-neck better, but the crewneck looks great with the new skirt of yours.

WENDY: I think so, too. *(she looks around quickly, rips off the sales tag, pull on her coat over the sweater and says in a whisper)* Come on, let's get out of here.

JANE: *(in an amazed whisper)* But Wendy -- that sweater costs $35! *(both leave quickly by a nearby exit)*

NARRATOR: A few moments later outside the store.

WENDY: Here's that wallet you liked, Jane.

JANE: I don't think I should take it.

WENDY: Don't be stupid...who's to know? *(she pushes the wallet into Jane's pocket - Jane looks very uncertain for a moment but doesn't resist - they both walk away)*

NARRATOR: Scene II takes place three days later in the same department store. This time Jane is shopping with her mother.

JANE: Mom, there's a sweater over here I'm dying for -

MRS. LA MONICA: *(busy looking through some jackets)* What? Well, let's take a look, but it will have to be quick because I still have to buy a present for your sister.

SHOPLIFTING SKIT - Page 3

JANE: Wow - are you going to buy her a leather jacket?

MRS. LA MONICA: Well - I was thinking about this one *(points to a jacket)* but I'm not sure. Besides, it's all locked up and I'm in such a hurry. Where are those sweaters you were talking about anyway?

JANE: *(leads her mother across the aisle to the Junior Department, then Jane quickly takes off her coat and holds the sweater up against herself)* Isn't it beautiful? I'd really love to wear it to Alice's party, Friday night.

MRS. LA MONICA: It does look nice on you. How much is it?

JANE: Uh-I think it's $35.

MRS. LA MONICA: What? Are you sure? "*(she calls to saleswoman)* Miss!

SALESWOMAN: *(walking over)* Yes?

MRS. LA MONICA: $35 seems very high for a young girl's sweater!

SALESWOMAN: Yes, I agree, but all the prices have gone up a lot in the last year.

MRS. LA MONICA: I suppose you're going to tell me it's inflation.

SALESWOMAN: Yes, it's that. But it's things like shoplifting, too. Every day we lose a lot of merchandise to shoplifters and that drives up the prices of things.

MRS. LA MONICA: But don't you have mirrors, TV cameras -- that sort of thing?

SALESWOMAN: Yes. And we use them. But sometimes the store is very crowded.

MRS. La Monica: Well, thank you, I'm afraid I can't afford that sweater. *(snatches sweater from Jane and puts it down on counter)* Come on, Jane we have to go. *(she starts off and notices Jane isn't following but is touching the sweater longingly, lost in thought)* Jane? -- Jane are you coming?

Follow-Up Questions

1. What do you think Jane is thinking at the end of the skit?
2. How do you think Jane feels about not getting the sweater?
3. Have you ever felt like Jane?
4. Do you think Jane wanted to keep the wallet? Why do you think she took it?
5. Do you think Wendy needs the sweater she takes? Why do you think she took it?
6. Have you ever heard someone say: "Who's to know...they'll never miss it," when they take something that doesn't belong to them? What do

7. Is it true that things aren't missed by stores?
8. Is shoplifting the same as stealing?
9. How do you think Jane feels toward Wendy at the end of the skit?
10. What happens to people if they get caught shoplifting? How can you find out?
11. What do you think stores should do when they catch someone shoplifting.
12. Imagine you have seen someone shoplifting. What would you do? What do you think you should do?
13. Have you ever felt that people were watching you or were suspicious of your movements in stores even when you had no intention of stealing anything? What kinds of things about stores make you feel this way?

Suggestions for Activities

About how many people would you guess caught shoplifting in stores throughout the United States last year? Who would like to find out?

Do you think there is more or less shoplifting going on now than 50 years ago? Why? Who would like to find out?

LET'S GO SHOPPING

Joan was an attractive fourteen year old. She enjoyed sports, both participating and watching. She was pretty good at basketball, too. That was her favorite sport. She had a nice circle of friends whom she enjoyed.

Joan and Becky were best friends, however, one day Joan admired a pretty bracelet Becky was wearing. Becky made Joan promise she wouldn't tell what Becky was about to say. Joan promised! "I took this bracelet from the Weathervane last Saturday. The store was crowded and the salespeople were busy. No one say me," said Becky. Joan was surprised, but said nothing. After all, it was a nice bracelet and it would be nice to have it.

Many of Joan's friends had more things and nicer clothes than she did. Sometimes this made Joan a little envious. She wished that her parents could give her all the nice things her friends had.

It was nice summer afternoon. Joan was shopping at the mall with Becky and Sandy. Joan needed a new bathing suit. She really didn't have enough money for the one she wanted and really liked it. She had an idea! If she carefully put a robe over the bathing suit hanger before she went into the dressing room, no one would know she had the suit. Then she could try it on, put her clothes over it, and wear it home. Little did Joan know that a woman shopper saw her covering up the bathing suit before going into the dressing room.

The girl at the dressing room door gave Joan a ticket for one garment. Ah! so far so good! Once inside the dressing room, Joan put her plan into action. Unfortunately for Joan, the dressing room attendant was more alert than Joan thought. Security was sommoned!

Answer the following questions by referring to the story and by trying to remember what was discussed in class.

1. If Joan wanted the bathing suit and other things so badly, what could she have done other than trying to get them illegally?

2. What should the woman shopper have done when she saw Joan hiding the bathing suit?

3. Approximately how much money is lost every year by stores as a result of shoplifting?

4. How is the person who does not shoplift being hurt by those who do?

5. What are stores doing to try to prevent shoplifting?

6. If you were Joan, what would you have said to Becky when she told you about the bracelet?

7. What will happen to Joan?

8. What should Joan's parent do?

STRATEGIES

HOLLY'S FRIENDS

Holly, Pam, and Carlene had been friends since fourth grade. They spent a lot of time together after school and on weekends. On one of the first really warm spring days, the three girls decided to walk into a shopping plaza near their neighborhood. Pam was telling the other girls about a necklace which she has bought at Gilbert's Gadget and Garment Shop. Pam said that her necklace had lasted only two weeks before it had broken. She had taken the necklace back to the store, but they wouldn't do anything about it. Carlene said that she didn't think that was fair, especially since Gilber't charged such high prices for all the junk in the store. Holly said she didn't like the store because many of the sales clerks are mean to you when you are looking at things.

The three girls entered Gilbert's Gadget and Garment Shop and began looking at jewelry, hats, and sunglasses. Pam was trying to find a necklace like the one she had bought at Gilbert's earlier so that she could show Carlene how it had broken. Carlene said that she wanted to go look at sunglasses because she really needed some even though she didn't have the money. Holly left her two friends and went across the aisle to look at some big summer hats. As she was leaving, she heard Carlene whisper to Pam that she could probably steal a pair of sunglasses if she really wanted to.

Pam and Carlene started talking to one another about how it was possible to sneak things into your sleeve or into your purse while no one was looking. Carlene dared Pam to get a pair of sunglasses without the clerk seeing her. Holly was still across the aisle trying on big, floppy hats when a salesperson stopped her and told her that the girls should not be strolling around the store unless they were planning to buy something.

Carlene continued to tease Pam about being too scared to walk out of the store with something. Holly suddenly noticed Pam slip a silver bracelet into her sleeve and walk slowly out the door. Carlene moved away, tried on several pairs of sunglasses, placed them back on the rack, and followed Pam out of the door and down the sidewalk.

Holly stood by the hats, surprised that Pam had actually gone through with the "dare." A sales clerk walked up to Holly and took her by the arm saying, "You and the other two girls have been shoplifting. We are going to the manager!" The manager and the store security officer questioned Holly. They insisted that Holly and the two girls were working together but they told Holly that they would not call her parents if she gave them the names of the other girls. Holly stood silently. The store manager repeated his statement: "Give us your friends' names or you will be in big trouble!"

What do you think Holly should do?

Holly's Friends, by Ronald E. Galbraith (San Antonio: American Institute for Character Education, 1977), is used with the permission of Ronald E. Galbraith.

TEACHER RESOURCE

Shoplifting Guest Speaker

Request the speaker to direct his questions to:

1. Consumer responsibilities
2. The store's responsibilitites
3. Why some shoplifters are prosecuted and others are not and what happens to students who are prosecuted and are over 16 or under 16.
4. The dollar loss to stores and how this affects the consumer,
5. What are the shoplifting related costs - training sessions for clerks, legal expenditures, store detectives, etc.
6. What young people can do to decrease the incidence of shoplifting besides not doing it
7. Legal statutes
8. Discuss privacy issue - Are stores allowed two-way mirrors in dressing room?

SCHOOL VANDALISM

Procedure:

Begin by asking students if they know what the word vandalism means. Direct discussion to include the students' opinions of the places which are most often vandalized, (schools, especially) the people who commit the vandalism and the reasons why such people vandalize.

Using the suggested list below, have the students decide which incidents represent cases of vandalism requiring stuents to explain their reasons for deciding whether or not each case constitutes vandalism.

For those cases indentified as vandalism, have students discuss and decide on possible punishments, including police involvement.

Vandalism Situations

during recess, a ball is hit and breaks a classroom window

carving a name into a desk top

sharpening crayons in pencil sharpener

putting used chewing gum under a seat

tearing out a page from a school book

writing in a text book

writing on a desk

defacing the outside walls of the school

clogging the bathroom sink

rungs on desk break and desk falls apart

mud brought into school on student's shoes

wearing shoes on the gym floor

inserting chalk in erasers when teacher goes to erase board

dropping jar of paint on classroom floor

smashing classroom window

not doing your homework

Vandalism Situations (con't)

talking during quiet time

running through the halls

breaking a ruler or snapping a pencil

breaking into the school at night and truning over desks

chopping down a tree on school property

digging up shrubs around entrance to school

pulling down blinds in classroom

writing on chalk board with something other than chalk

bending spoons and forks in cafeteria

taking something from a neighbor's desk without permission

cutting seats on school bus

breaking binding of a textbook

fighting in the classroom.

Suggested Questions

1) Why do you think so much vandalism takes palce in school?
2) Who pays to make the reparis needed after a school has been vandalized?
3) Should the student who caused damage in school be forced to pay for cost of the needed repairs? If the student is unable to pay, should the student's parents be forced to pay?
4) What is the worst incident of school vandalism that you know about?

Psychology

The San Francisco School Board was tired of throwing money out the window every time someone threw a rock in a window. One junior high school alone had an annual vandalism repair budget of $12,000. So the board hit on an experimental plan: Students at two high schools and two junior highs will reap financial benefits if vandalism goes down at their schools.

Here's how it works: The amount of money the school board saves on property repairs and replacement will go into each school's activity budget. Students will decide how the money saved on vandalism will be used. For example: Luther Burbank Junior High School was eligible for $12,000 in activity money last year—its repair budget from the '76-'77 school year. By the end of the year, only $4,000 worth of damage had been inflicted. Students had $8,000 to spend on the activities of their choice—dances, trips, entertainment.

Some people think this plan rewards kids for doing what they ought to do anyway. Others think that holding out a reward is a good way to get people to change behavior. What do you think?

Last year, vandals caused over $600 million in damage to public schools alone. Vandalism, the intentional destruction of property, isn't limited to schools. Has it ever affected you?

• • •

Fill in the blanks:

People who destroy public property are _____

_____

People who destroy private property are _____

_____

My school is _____

My neighborhood is _____

When I see graffiti on the wall of a building, I _____

_____

My school belongs to _____

The thing I'm proudest of about myself is _____

_____

The thing I'm proudest of about my school is _____

_____

Teenagers who are vandals usually _____

_____

At my school, people who destroy property are also people who _____

If I saw someone trashing a bus, I'd _____

_____

If I saw someone trashing my car, I'd _____

If I saw someone about to spray-paint a school wall, I'd _____

If I saw someone about to spray-paint my house, I'd _____

• • •

"I don't own the school," a friend of yours says. "It's nothing to me if people want to ruin it."

- Do you agree with this statement?
- How could you be affected by:

  a school with broken windows?

  a pay phone that's been pulled out?

  a park that's been vandalized?
- Have you ever had personal property vandalized?
- Has the vandalizing of public property ever affected you?

How might other people in your community be affected by vandalism?

How might the elderly be affected? The very young?

• • •

Sociologists say that vandalism is a symbol of angry hopelessness and a feeling of not belonging.

- What do you think vandals might be angry about?
- What do you think vandals might feel hopeless about?
- What do you do when you're angry?
- What do you do when you feel hopeless?
- Do you ever feel cut off from the people around you? What do you do when this happens?

• • •

In Deerfield, Illinois, vandals come up before a youth jury, a board of teenagers who help decide what will happen to the offender.

- If you were on such a board, how would you deal with:

  someone caught littering?

  someone caught defacing library books?

  someone breaking school windows?

  someone slashing tires?

• • •

Punishments should fit crimes. That's what Dr. Philip Brickman, a professor of psychology at Northwestern University, thinks. Convicted robbers, for example, should pay back their victims, or, more practically, contribute to a state or federal fund that pays back victims of crimes. Under Brickman's plan, a young vandal, instead of serving time in a juvenile institution, might clean buildings, repair windows, or plant trees. Brickman also believes that while repaying victims, an offender should gain in self-respect and have a finished product to be proud of.

- What do you think of Brickman's plan?
- How well would it work for vandalism? For what crimes wouldn't it work?
- Is vandalism a victimless crime? If not, who is the victim?

• • •

Vandalism is a protest against the "ill-defined role and ambiguous status in the social structure" of the teenager, according to sociologist Marshall B. Clinard.

- Do you agree that the role of a teenager in our culture isn't clearly defined? What is the status of the teenager in our country?
- What might vandals be protesting against?
- Have you ever protested against something? What? How did you protest? What are some different ways of protesting?

• • •

Schools across the nation are having a problem with disappearing library materials. Some educators think that students, evidently fearing intense competition, are ripping articles out of books so no one else can use them for study or research. Others believe that students deface books for convenience—they don't want to spend time reading in the library, so they tear out articles and take them home.

- Have you ever tried to use a magazine at a library and found the article you needed ripped out? How did you feel?
- Have you ever ripped an article out of a magazine or book at the library? How did you feel?
- What are some other reasons a high school student might take an article from a library's magazine?
- Would you consider this vandalism?

Consider your value-view of vandalism. It just may be that vandalism means a tough break for everyone.

LESSON PLAN 4 VANDALISM

I. Objective

To help students recognize that vandalism is a crime; to help them make wise decisions in the face of fear of losing friends; and to realize that vandalism has financial ramifications.

II. Motivation

Walk around school. Ask students to make note of what they observe. Or, hold up a can of spray paint. Ask the class what spray paint is used for. Are there places spray paint is wrongly used?

III. Skit

Have students read aloud or perform the skit entitled *Just for Kicks.*

IV. Follow-up Questions

1. Why does Rob poke Pete at the end of the skit?
2. Why do you think Rob and Pete might not want to tell the policeman what they suspect about Joe and Ed?
3. What do you think they should do?
4. What do you think happens to people who get caught destroying property?
5. Have you ever known anyone who was picked up for vandalism? What happened to them?
6. What do you think should happen to people who get caught?
7. How much would you guess a new school bus costs? ($14,000 - $16,000) How can you find out?
8. How many reports of vandalism would you guess there have been in this state last year? How much did it cost? Who pays for it? How can you find out?
9. Vandalism is often high among pre-teens and teenagers. Why do you think this is so? What kinds of things do you think kids, schools or parents could do to discourage it?

V. Suggestions for Activities

- What can we do to avoid vandalism in the classroom?
- How are other communities dealing with vandalism? Who would like to find out? How can we avoid vandalism in our community?
- Often teenagers get into trouble because there aren't enough activities that interest them. Some communities are keeping their schools open after school and in the evenings for students and adults. Does your community have such a program? Do you think it could benefit from one? Often these programs need volunteers to get them started. Is anyone interested in looking into this?
- Outdoor murals on the walls of old buildings or construction sites, for example, can be an asset to the community and a more attractive as well as creative outlet for students than graffitti. Is anyone interested in finding out if there are opportunities for this type of project in our community?

SKIT 4 VANDALISM (11 characters)

JUST FOR KICKS

Characters:
- Narrator (boy or girl)
- Rob
- Pete
- Pizza shop owner (boy or girl)
- Joe
- Ed
- Donna
- Volleyball player I (girl)
- Volleyball player II (girl)
- Officer Di Carlo (boy or girl)
- Coach (boy or girl)

Props:
- Table
- Chairs

Optional Props:
- Paper cups
- Straws
- Sandwiches or pizza
- Basketball
- Gym bags

Suggestions for Costumes:
- Pizza owner: hat and apron
- Rob, Pete and other players: school jackets
- Officer: badge and hat
- Coach: cap and sweatshirt
- Others: casual clothes

NARRATOR: Scene I takes place late Friday afternoon or early evening in *(fill in name of local pizza hangout)*. Ed, Joe and Donna are already sitting at a table eating, and drinking colas. Rob and Pete, members of the high school basketball team, enter.

ROB: Hey Joe --

JOE: Rob! How ya doing? It sure must be tough keeping those training hours.

ROB: Yeah--it sure is. We've got a big game tomorrow, too.

JOE: Home or away?

ROB: Away. A few of us are getting up early for some last minute practice and then we're leaving from school around noon.

PIZZA SHOP OWNER: *(to Rob and Pete)* Okay, what'll it be?

ROB: *(looks at Pete)* The usual? *(Pete nods)* Okay. Four slices with the works and two colas. *(to Joe and his friends)* What have you guys been up to?

VANDALISM SKIT – Page 2

JOE: Oh–just hanging out and getting a few kicks here and there–you know.

PETE: *(interested)* Yeah? What kind of kicks?

ED: Well, last week–

DONNA: Let Joe tell it.

JOE: Forget it. These All Stars don't want to hear about it.

PETE: Come on, Joe. Out with it.

JOE: Well as Ed was saying–last week we busted ole man Brennan's window. You know what a mean old cuss he is. *(all nod)* Once he almost called the cops because Sam, here, swiped a pack of cigarettes.

PETE: I'll bet he was sore when he saw the window.

SAM: We watched him the next morning from behind the laundromat. Boy, was he mad!

ROB: *(motions to Joe and they walk away from the group who keep talking in background)* Hey Joe, you keep breaking windows and you're going to get in trouble one of these days.

JOE: No, No–we're just having some fun.

ROB: *(changing the subject)* Hey, why don't you come over and play ball on Sunday–like you used to.

JOE: *(in a way that doesn't sound like he means it)* Sure, Rob. Sure thing.

ED: *(in a whisper)* Hey Joe, we've got to get going. *(winking to Rob)* We've some *business* down at the school. *(Joe, Ed and Donna exit)*

NARRATOR: Scene II takes place the next day. Rob, Pete and two members of the girl's volleyball team are waiting in front of the gym for the bus to take them to the away basketball and volleyball games planned for that afternoon. The coach arrives.

COACH: I've got some bad news.

ALL TOGETHER: What coach?

COACH: The bus is a wreck. Tires all slashed, windows broken, spray paint all over.

VANDALISM SKIT – Page 3

VOLLEYBALL PLAYER I: When did it happen, coach?

COACH: Had to be last night. It was okay when I left yesterday.

VOLLEYBALL PLAYER II: Did somebody call the cops?

COACH: Yeah–I did about 15 minutes ago.

ROB: What about the game?

COACH: Well it's too late to get another bus–I checked. I've been trying to get some cars and drivers together to take everyone. We haven't much time, though. If we can't make it, we'll have to forfeit both games.

OFFICER DI CARLO: *(enters)* Wow! What a mess. Somebody really gave that bus the once-over. Any of you have any idea who?

All the students shrug – Pete suddenly looks like he has an idea.

PETE: *(turns to Rob)* Hey, remember what Joe was saying –

ROB: *(pokes Pete to keep him quiet)*

THE COURT SYSTEM - LEARNING ACTIVITIES

A complete curriculum including pre-and post-testing materials, information about the Connecticut court system and both preparatory and follow-up activities for students visiting a court in Connecticut is available free from

Margaret Richards
Coordinator
Law-Related Education
566-4825

Some of the background material from this excellent resource are included here in addition to other activities dealing with the courts.

1. Have students become witnesses at a crime. This can be done by setting up a situation in your classroom in which the students must later recall the details or by using the "At The Scene of the Crime" puzzle included here.

2. Complete the "Pro Se Court Simulation". Alternate roles so each student becomes the judge. Set up your own situation involving classroom conflicts.

3. Invite a speaker from the juvenile court in your area — a lawyer, probation officer, policeman, etc. to discuss the rights of a juvenile and the juvenile court system.

4. Using appropriate props and costumes have the students complete the Juvenile Court Skit.

5. Spend a day in court. Arrangements may be made to visit the Hartford Superior Court by contacting a clerk of the court at 566-3170. This is a very informative and worthwhile trip. Judges and other court personnel are very willing to speak with the students and answer their questions. Prior preparation of the students as to what they will see, terminology used, etc. is a must!

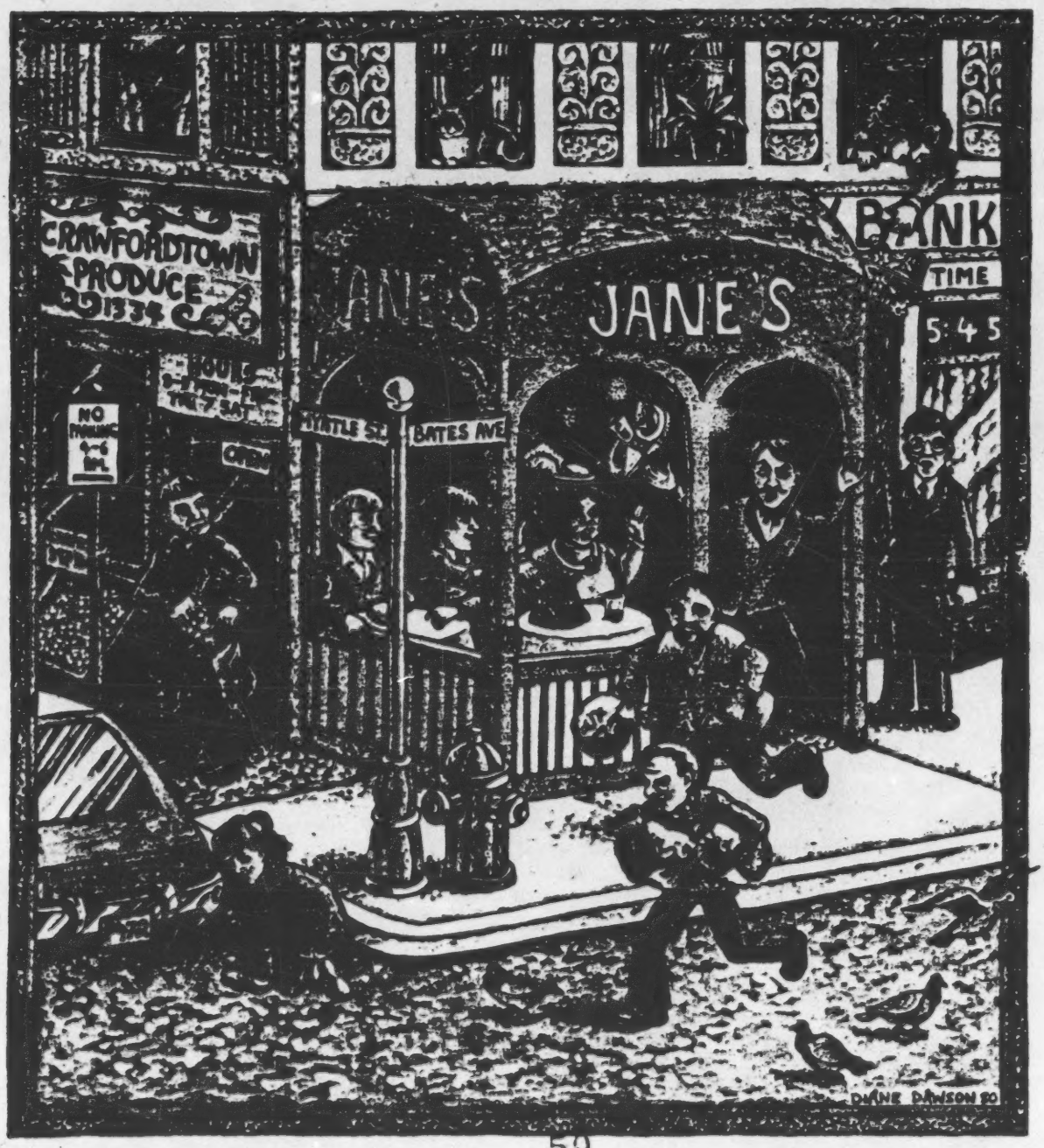
a Families puzzle

Condensed from GAMES

AT THE SCENE OF THE CRIME

How Good a Witness Are You?

Test your skill as a witness compared with that of the other members of your family. First study this picture carefully for up to three minutes. Next turn the page for questioning. Once you turn, you will be relying solely on your memory of what you have seen. Then have the others try it.



59

REPRINTED FROM GAMES MAGAZINE, 515 MADISON AVE., NEW YORK, N.Y. 10022. COPYRIGHT © 1980 BY PLAYBOY

(Continued from preceding page)

At the Scene of the Crime
How Good a Witness Were You?

In the busy street scene on the preceding page, you were witness to two robberies, two misdemeanors and two approaching calamities. The police would like your firsthand account of what happened. Please report the facts, to the best of your memory.

1. What time was it by the bank clock?
2. What day of the week was it?
3. What was the name of the outdoor café?
4. On what street was its entrance?
5. How many thieves were staging the holdup?
6. Were they armed?
7. How many bags of loot were they carrying?
8. Was the thief in the street wearing a hat?
9. How many people, besides you and the holdup men, were at the scene?
10. What were the initials of the man in the business suit?
11. What immediate danger was he in?
12. Was the onlooker from the second floor a man or a woman?
13. What store was next door to the café?
14. On what street was its entrance?
15. What was the shopper stealing?
16. What was the license number of the car parked in front of the store?
17. Why was it illegally parked?
18. What part of the car was being vandalized?
19. What offense was being committed against the lady diner?
20. Was there a police phone at the corner?

BONUS:

21. Please identify the holdup men from this lineup:

Pro Se Court Simulation

Basic Injury Law: "Any person whose careless action causes damages (injury or loss of property) to another person must pay the other person for losses arising out of damages."

Round 1 - divide class into groups of 3. 1 defendant, 1 is plaintiff, and 1 is judge. Judge listens to facts presented by plaintiff and defendant, comes to a fair decision, and gives reasons.

Roles shifted in each of the following 3 cases.

First case:
1. Plaintiff is the assistant to a newspaper delivery boy.
2. Defendant is newspaper delivery boy.
3. Defendant became sick and asked his helper, the Plaintiff, to deliver the papers for $2. Plaintiff delivered papers, but did not place them in mail boxes or inside halls. Twenty-five newspapers were ruined in the rain, and Defendant refused to pay the $2 to the Plaintiff. Plaintiff sues.

Second case:
1. Plaintiff is a babysitter.
2. Defendant is a parent.
3. The Plaintiff agreed to babysit for the Defendant's two children for fifty cents per hour. When the babysitter arrived, there was a third child, a cousin, present. Plaintiff said nothing about an increased rate at the time, but demanded 75¢ when Defendant returned home two hours later, claiming the rate to be 25¢ per child. The Defendant refuses to pay the additional 25¢ per hour. Plaintiff sues.

Third case:
1. Plaintiff is a comic book collector.
2. Defendant is a classmate.
3. Plaintiff loans ten comic books to Defendant for one week. The books are in very good condition, and Plaintiff warns Defendant to be careful to them. The Plaintiff had paid 25¢ a copy for the books, or a total of $2.50. Defendant returns five comic books in good condition, but five are torn and ripped. Plaintiff demand $2.50 of Defendant to cover costs. Defendant refuses. Plaintiff sues.

SKIT JUVENILE COURT (13 characters)

JUDGE FOR YOURSELF

Characters:
Narrator (boy or girl)
Janet Rostin, caseworker
Wendy Saunders, defendant
Mrs. Saunders
Mr. Saunders
Defense lawyer (boy or girl)
Prosecutor (boy or girl)
Judge (boy or girl)
Bailiff (boy or girl)
Clerk (boy or gril)
Mr. Olivera, store supervisor
Officer Morrison
Mrs. Nardini, saleslady

Props:
Chairs
Table
Desk

Optional Props:
Gavel
Paper, folders for lawyers
Bible
American Flag
State Flag

Costume Suggestions:
Judge: Dark robe
Lawyers: Suits, glasses, briefcases
Policeman: Badge, hat, dark shirt and pants
Bailiff: Similar to policeman
Others: Street clothes

NARRATOR: Wendy Saunders (whom we encountered in the skit, Who's to Know?) has been charged with grand larceny. It is the second time she has been caught shoplifting. The first time she stole $25 worth of merchandise from a local department store. At first the store manager filed a complaint for petty larceny, but at the court hearing, he agreed to drop the charges. The judge gave Wendy a stern reprimand, released her to the custody of her mother, and dismissed the case.

The second time, Wendy was caught outside another large department store with a stolen handbag, cosmetics and a silk shirt she was suspected of stealing. A complaint was filed and a caseworker was assigned.

CASEWORKER: MY name is Janet Rostin. I'm a caseworker. My job is to investigate the charges in this case and to make a special report on Wendy's family background. I present my report to the judge and he decides whether or not to proceed with a hearing.

These were some of my findings, (read) Wendy Saunders comes from an upper middle class home. She is an average student at a local junior high school, and her attendance there is good. When questioned about her stealing, she said that at first she did it on a dare, but then found that she really liked being able to have things she was in magazines and on TV, things she couldn't afford on her allowance. She feels that the things she steals are nothing compared to the thefts she reads about in the newspapers. She does find it embarassing when her friends discover she has been caught. Also she hopes to go to college to become a veterinarian and she is afraid that they will find out and she will not be accepted for training.

JUVENILE COURT SKIT - Page 2

NARRATOR: Based on the caseworker's report, a hearing was scheduled which is already in progress. The prosecutor is trying to prove Wendy stole the handbag ($40), the cosmetics ($8), and the silk shirt ($55) to sustain the charge of grand larceny (theft of an article or articles valued at $50 or more.)* The defense attorney will try to prove that the evidence presented does not prove Wendy stole the silk shirt. In the way, he hopes to have the charge reduced to petty larceny which would carry a lighter penalty. As we come in on the scene, the prosecutor is questioning Mr. Olivera, the store supervisor, who is seated on the witness chair to right of judge.

(Scene Instructions)
Judge is seated behind a desk facing the audience. The defendant is seated to the right of the witness chair facing the judge. The bailiff is standing by the door to the courtroom. The defense attorney and the clerk are seated at a long table at the front of the courtroom facing the judge. The witnesses, the defendant's parents, the narrator and caseworker sit in chairs behind the defense attorney and clerk also facing the judge.

PROSECUTOR: When you found the silk shirt in the defendant's tote bag, was there a sales ticket or a manufacture's ticket on it?

Mr. OLIVERA: No.

PROSECUTOR: Was the manufacturer's ticket for the shirt ever found?

DEFENSE ATTORNEY: Objection. There is no way to prove a manufacturer's ticket belongs to a particular garment.

JUDGE: Sustained.

PROSECUTOR: In what condition was the silk shirt you found in the defendant's tote bag?

MR. OLIVERA: It looked like new.

PROSECUTOR: What did you do when you found the shirt?

MR. OLIVERA: I had the blouse department check their stock and sales receipts to see if any shirts like the one found in the defendant's tote bag were missing.

PROSECUTOR: What were their findings?

MR. OLIVERA: They found they were missing one blue silk shirt, size 6. In addition, the saleslady, Mrs. Nardini, found a manufacturer's ticket from this type of shirt on the floor next to the counter where they were displayed.

63

*In some states grand larceny is as low as $25. In New York state it is $100 or more.

JUVENILE COURT SKIT - Page 3

PROSECUTOR: What color and size was the shirt found in the defendant's tote bag?

MR. OLIVERA: Blue, size 6.

PROSECUTOR: Getting back to the afternoon of May 4th in Mr. Minnard's office, what happened after Mrs. Nardini said she had shirts similar to the one in question in stock?

MR. OLIVERA: Mr. Minnard said he was fed up with shoplifters, that he wasn't going to be soft-hearted anymore. Then he, the policeman and the defendant left for the precinct station.

PROSECUTOR: Thank you, Mr. Olivera, I have no further questions of this witness. *(returns to his seat at table)*

DEFENSE ATTORNEY: Mr. Olivera, when the silk shirt was discovered in the defendant's tote bag, did anyone ask her where she got it?

MR. OLIVERA: Yes, sir.

DEFENSE ATTORNEY: What did she say?

MR. OLIVERA: She said she had bought it the day before at York's Department Store.

DEFENSE ATTORNEY: To your knowledge did you or anyone else ever contact York's to see if they carried that particular shirt in that size and color ?

MR. OLIVERA: Yes, sir. I did the next day.

DEFENSE ATTORNEY: And —

MR. OLIVERA: The buyer in their blouse department said, yes, they did carry it.

DEFENSE ATTORNEY: I have no further questions. (returns to his seat at table)

PROSECUTOR: Mr. Olivera, one final question. Did you or anyone else in your presence ever ask the defendant to produce a sales receipt for the shirt?

MR. OLIVERA: Yes, sir, but she said she had lost it.

PROSECUTOR: No further questions. (both Mr. Olivera and prosecutor return to their seats)

64

JUVENILE COURT SKIT -- Page 4

JUDGE: Call the next witness.

PROSECUTOR: I call Officer Howard Morrison. (*Howard Morrison takes the witness stand*)

CLERK: (*swears in Officer Morrison*) Place your right hand on the Bible... Do you swear to tell the truth, the whole truth and nothing but the truth - so help you God?

OFFICER MORRISON: I do.

PROSECUTOR: What is your name?

OFFICER MORRISON: Howard Morrison.

PROSECUTOR: What is your address?

OFFICER MORRISON: I live at 20 Beech Street.

PROSECUTOR: What is your job?

OFFICER MORRISON: I am a member of the (fill in name of local police department). I am a foot patrolman downtown.

PROSECUTOR: Where were you on the afternoon of May 4, 197- at approximately 4:15 P.M.?

OFFICER MORRISON: I was on duty at the corner of Main and Summer Streets.

PROSECUTOR: Would you tell the court what happened at that time?

OFFICER MORRISON: I was with my partner, Officer Armstong, when I noticed Mr. Olivera rush out of Lane's Department Store and speak with the defendant. He waved for me to come over and I did.

PROSECUTOR: What happened then?

OFFICER MORRISON: He told me he had observed the defendant stealing the cosmetics and suspected she had stolen the handbag, too.

PROSECUTOR: Did you remind the defendant of her right to remain silent?

OFFICER MORRISON: I did, but she began to cry and say she would give the stuff back and --

DEFENSE ATTORNEY: Objection --

JUVENILE COURT SKIT — Page 5

PROSECUTOR: *(interrupts)* Your honor, it is the state's contention that the words of the defendant at this time are material and admissable in that they were a spontaneous expression of her feelings at the moment of being apprehended and thus fall within well-known and respected exceptions to the hearsay rule.

JUDGE: Overruled. *(to the officer)* Continue.

OFFICER MORRISON: As I was saying, she began to cry and to say she was sorry. She promised she wouldn't do it again if we wouldn't call her mother. She said she was afraid her mother would get too upset, and admitted to have been caught shoplifing once before.

PROSECUTOR: Thank you, Officer Morrison, no further questions. *(returns to his seat at table)*

DEFENSE ATTORNEY: Officer Morrison, did the defendant ever in your presence or to your knowledge admit to stealing the blue silk shirt?

OFFICER MORRISON: No sir.

DEFENSE ATTORNEY: Thank you. No further questions. (both Officer Morrison and defense attorney return to their respective seats)

PROSECUTOR: (*rises*) Your honor, that concludes the case for the People.

JUDGE: (*to defense attorney*) Call your first witness.

DEFENSE ATTORNEY: (*rises*) I call Mrs. Nardini, (Mrs. Nardini takes the withness stand)

CLERK: (*swears in Mrs. Nardini*) Place your right hand on the Bible... Do you swear to tell the truth, the whole truth and nothing but the truth — so help you God?

MRS. NARDINI: I do.

DEFENSE ATTORNEY: What is your name?

MRS. NARDINI: Frances Nardini

DEFENSE ATTORNEY: Where do you reside?

MRS. NARDINI: 90 Fairmount Avenue.

DEFENSE ATTORNEY: What is your job?

JUVENILE COURT SKIT - Page 6

MRS. NARDINI: I am a saleslady in the blouse department of the Lane Department store.

DEFENSE ATTORNEY: Mrs. Nardini, where were you on the afternoon of May 4, 197__?

MRS. NARDINI: I was working in the blouse department

DEFENSE ATTORNEY: Did you see the defendant take the silk shirt?

MRS. NARDINI: No, sir.

DEFENSE ATTORNEY: Did any other sales clerk advise you that they saw the defendant steal the silk shirt?

MRS. NARDINI: No, sir.

DEFENSE ATTORNEY: Mr. Olivera testified that you said silk shirts identical to the one found in the defendant's possession had been put on display for the first time that day, Tuesday, May 4th. Is that true?

MRS. NARDINI: Yes, sir.

DEFENSE ATTORNEY: Would you say many customers looked at those shirts that Wednesday?

MRS. NARDINI: Oh yes, sir. We were constantly having to refold them because so many customers were picking them up and trying them on.

DEFENSE ATTORNEY: Were there any other blouses with that particular brand name in the vicinity of the silk shirts?

MRS. NARDINI: Yes, sir.

DEFENSE ATTORNEY: Did you or anyone else to your knowledge check to see if a manufacturer's ticket was missing from any of them?

MRS. NARDINI: No, sir.

DEFENSE ATTORNEY: So it is possible that the manufacturer's ticket found later by you on the floor could have been from one of any number of blouses. Is that not so?

PROSECUTOR: Objection, your honor.

JUDGE: Overruled. Mrs. Nardini, answer the question.

JUVENILE COURT SKIT - Page 7

MRS. NARDINI: Yes, sir. I suppose so.

DEFENSE ATTORNEY: Thank you. No further questions. (to prosecutor) Your witness.

PROSECUTOR: (rise) No questions. (Mrs. Nardini returns to her seat)

DEFENSE ATTORNEY: I call Wendy Saunders. (Wendy Saunders takes the witness stand)

CLERK: (swears in Wendy) Place your right hand on the Bible...Do you swear to tell the truth, the whole truth and nothing but the truth-so help you God?

WENDY: I do.

DEFENSE ATTORNEY: Were you present in the Lane Department Store on the afternoon of May 4, last?

WENDY: Yes.

DEFENSE ATTORNEY: What did you do while you were in the store?

WENDY: I stole a leather handbag and some cosmetics.

DEFENSE ATTORNEY: Did you realize that this was the wrong thing to do?

WENDY: Yes, but I never realized how much trouble I could get into until now.

DEFENSE ATTORNEY: Did you take anything else from the store?

WENDY: No.

DEFENSE ATTORNEY: Did you take a blue silk shirt, size 6, from the store?

WENDY: No — I told them what I took and I didn't take their shirt.

DEFENSE ATTORNEY: What size shirt do you wear?

WENDY: Size 7.

DEFENSE ATTORNEY: Thank you. No more questions. (to prosecutor) Your witness.

PROSECUTOR: (rise) No questions.

JUVENILE COURT SKIT -- Page 8

DEFENSE ATTORNEY: Your honor, I feel that the evidence presented here fails to show beyond a reasonable standard of doubt that the defendant stole the silk shirt found in her possession on the afternoon of May 4th last, and as such the charge brought against the defendant should be reduced to petty larceny. *(sits down)*

PROSECUTOR: *(rises)* I must disagree with my colleague, the defense attorney. The defendant has already admitted to the theft of the bag and cosmetics in the mistaken belief that her honesty would serve to save her from punishment. However, when she saw that it would not, she declined to cooperate further. The physical evidence is striking. The defendant was found with a blue silk shirt, size 6, in her possession immediately outside the Lane Department Store. An immediate check of the blouse department in the store produced the discovery that one blouse was missing, also size 6, color blue.

JUDGE: The issue before the court is whether the defendant is delinquent of petty or grand larcency. Court will recess for 10 minutes. *(bangs gavel three times)*

(Bailiff should now pass out JUDGE FOR YOURSELF slips to the class and have them fill them out. He should allow a few minutes and then collect slips, tally them with the clerk and pass the results to the judge.)

BAILIFF: Will the defendant please rise.

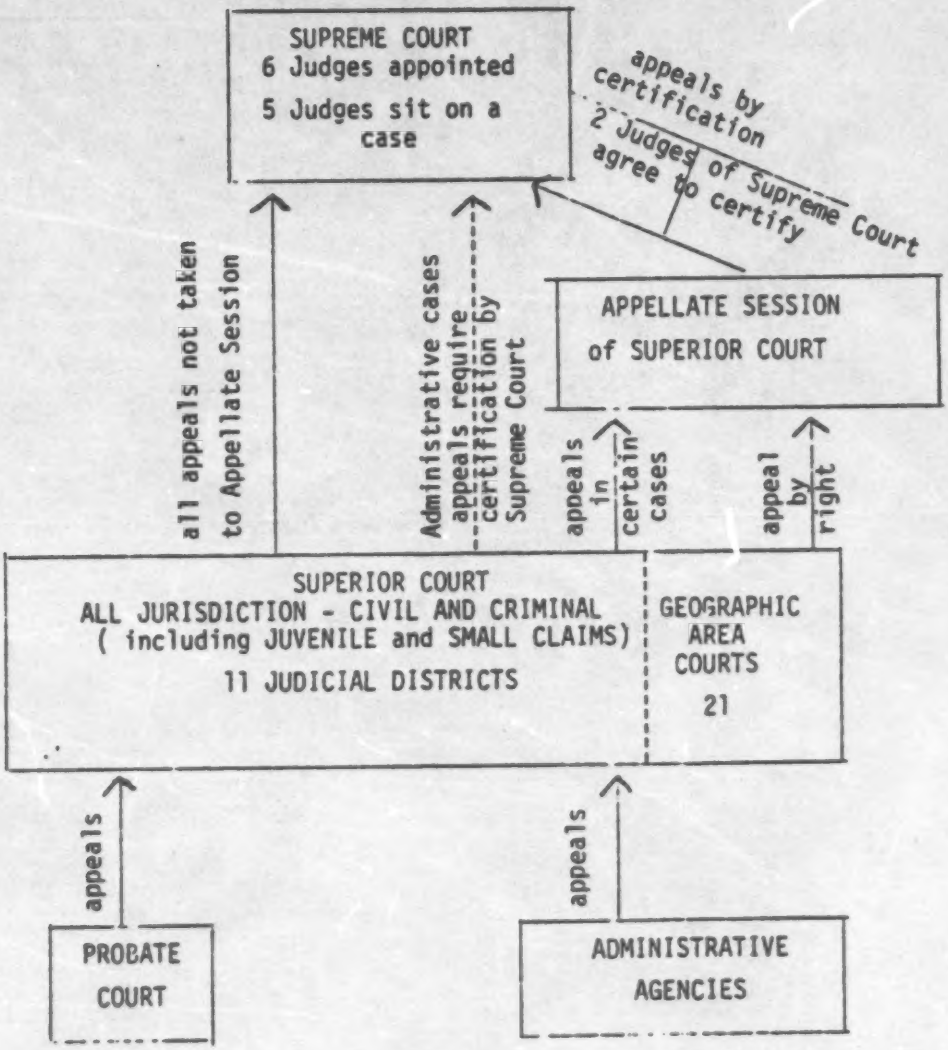
JUDGE: It is the option of the court that you are found *(reads results)*

MRS. SAUNDERS: *(breaks down crying)* Oh, Wendy.

MR. SAUNDERS: *(puts his arm around Mrs. Saunders)*

CONNECTICUT COURT STRUCTURE

after July 1, 1978



GENERAL INFORMATION ABOUT FEDERAL AND STATE COURTS:

THROUGHOUT THE UNITED STATES THERE ARE TWO SETS OF JUDICIAL SYSTEMS. ONE SET IS THAT OF THE STATE COURTS ESTABLISHED IN EACH STATE UNDER THE AUTHORITY OF THE STATE GOVERNMENT. THE OTHER IS THE SET OF FEDERAL COURTS SET UP UNDER THE AUTHORITY OF THE UNITED STATES CONSTITUTION BY THE CONGRESS OF THE UNITED STATES.

THE UNITED STATES CONSTITUTION STATES ONLY THAT:

"THE JUDICIAL POWER OF THE UNITED STATES SHALL BE VESTED IN ONE SUPREME COURT, AND IN SUCH INFERIOR COURTS AS THE CONGRESS MAY FROM TIME TO TIME ORDAIN AND ESTABLISH."

THUS THE ONLY INDISPENSABLE FEDERAL COURT IS THE SUPREME COURT. THE CONGRESS HAS FROM TIME TO TIME ESTABLISHED AND ABOLISHED VARIOUS OTHER UNITED STATES COURTS.

THE UNITED STATES COURTS HAVE POWER TO DECIDE ONLY THOSE CASES IN WHICH THE FEDERAL CONSTITUTION GIVES THEM JURISDICTION.

THE STATE COURTS ARE SET UP BY THE STATE CONSTITUTION AND STATE LEGISLATURE. THEY HAVE GENERAL, UNLIMITED POWER TO DECIDE ALMOST EVERY TYPE OF CASE, SUBJECT ONLY TO THE STATE LAW.

IN CONNECTICUT SINCE JULY 1, 1978, WE HAVE HAD A UNITARY COURT SYSTEM. SEE THE ATTACHED CHART AND NOTES ABOUT FUNCTIONS AND JURISDICTION OF THE STATE COURTS.

EACH COURT SYSTEM HAS THE SAME JOB TO DO WITHIN ITS JURISDICTION, INCLUDING TWO MAJOR DUTIES:

1. A CRIMINAL COURT - DECIDES WHETHER A PERSON ACCUSED OF BREAKING A LAW IS GUILTY OR NOT GUILTY.

   PROSECUTION (GOVERNMENT) VS. DEFENDANT (PERSON)

   PENALTIES IN THIS COURT REQUIRE THAT OFFENDERS GO TO JAIL OR PAY A FINE, OR BOTH. THIS IS TO PROTECT THE PUBLIC BY PROVIDING A SENTENCE WHICH WILL PUNISH THE INDIVIDUAL FOUND GUILTY, AND WILL ACT AS A WARNING TO STOP OTHERS FROM BREAKING THE LAW. IN CONNECTICUT ANY OFFENSE WHICH CARRIES THE POSSIBILITY OF A TERM IN A STATE PRISON IS CALLED A FELONY. ALL OTHER OFFENSES ARE CALLED MISDEMEANORS.

   IT IS IMPORTANT TO REMEMBER THAT UNDER OUR SYSTEM OF JUSTICE EVERY PERSON ACCUSED OF A CRIME MUST BE CONSIDERED INNOCENT UNTIL THE STATE PROVES BY FACTS, EVIDENCE AND WITNESSES THAT HE/SHE IS, BEYOND A REASONABLE DOUBT, GUILTY AS CHARGED.

2. A CIVIL COURT - DECIDES A CASE WHERE ONE PERSON SUES ANOTHER PERSON BECAUSE OF INJURY OR DAMAGE DONE.

   PLAINTIFF (PERSON(S) TAKING LEGAL ACTION AGAINST ANOTHER PERSON) VS. DEFENDANT (PERSON(S) DEFENDING SELVES AGAINST COMPLAINT OR SUIT OF PLAINTIFF)

DISPUTES BETWEEN PRIVATE PARTIES ARE SETTLED IN CIVIL COURT. FOR EXAMPLE, THIS INCLUDES DOMESTIC RELATIONS (FAMILY FIGHTS), BUSINESS RELATIONS, OR AUTO ACCIDENTS. PENALTIES REQUIRE THE OFFENDER TO PAY MONEY FOR DAMAGES OR INJURIES. OR THE COURT MAY REQUIRE THE OFFENDER TO DO (OR NOT TO DO) A SPECIFIC ACT FOR, OR TO, THE PERSON BRINGING THE SUIT. SOME CIVIL REMEDIES ARE: RESTITUTION (REPAYMENT), COMPENSATION (PAYING TO MAKE UP FOR SOMETHING), AND INJUNCTION (A COURT ORDER FORBIDDING A CERTAIN ACTION, OR ORDERING THAT A PARTICULAR ACTION BE DONE).

AT THE ARRAIGNMENT SESSION YOU WILL BE WATCHING THE FIRST STEP IN MOST CRIMINAL CASES.

MOST OF THE DEFENDANTS YOU WILL SEE IN THE COURTROOM WILL BE FACING THE JUDGE FOR THE FIRST TIME. THIS MEANS THAT DURING THE TIME YOU SEE THE JUDGE PRESIDING, SHE OR HE WILL BE STARTING THE COURT PROCESS FOR MANY CASES, BUT YOU WILL NOT SEE HOW ALL OF THEM END.

PEOPLE YOU WILL SEE IN THE CRIMINAL COURT

JUDGE

Presides over arraignments and trials. Judges are appointed for eight year terms by the Governor and are confirmed by both the House of Representatives and the Senate. If a Judge tries a case without a jury, the Judge decides what the facts are and what laws apply. In courts with jury trials, the jury decides the facts while the Judge instructs the jury as to what laws apply.

CLERK

Acts as the keeper of the court papers, and administers oaths.

PROBATION OFFICER

Provides information about investigations made before sentencing at the time of disposition of the case.

DEFENDANT

The individual accused of committing a crime, he/she may present the case wither by use of an attorney or by self. The defendant may or may not testify on own behalf; may or may not exercise rights as outlined by the Judge; is always considered innocent until proven guilty beyond a reasonable doubt.

PROSECUTOR

Representing the State, tries to present evidence to prove beyond a reasonable doubt that the defendant committed the crime as charged. In Connecticut the prosecutors are a State's Attorney, an Assistant State's Attorney, or a Deputy Assistant State's Attorney.

DEFENSE COUNSEL

As the lawyer representing the defendant his/her responsibility is to present evidence and arguments on behalf of the defendant so that the State does not prove beyond a reasonable doubt that the defendant committed the crime as charged. The lawyer may be either a private attorney hired by the defendant to help in the trial, or may be a Public Defender. The Public Defender is an attorney appointed by the Judge and paid by the State to assist a defendant who does not have enough money to hire a private attorney.

WITNESSES

Testify under oath to facts and evidence relevant to the alleged crime; may be summoned into court by the prosecutor or the defense counsel; and are subject to direct examination and cross examination by the attorneys.

BAILIFF

Maintains order and decorum in the courtroom, and has responsibility for all prisoners while in the court house.

BAIL COMMISSIONER

Is one of the Public Officials in the Courtroom. Recommends the amount of bail to be set for each defendant to the Judge.

BAIL BONDSMAN

Is a private individual, not a Court or Public Officer

Bail is another way beside "personal recognizance" to make sure an accused person returns to court for trial. The Judge sets the amount of bail, and the accused person must post that amount of money with the court in order to go free until the date set for trial. Sometimes a person can do that out of personal resources. Other times help is needed, and this comes from the Bail Bondsman. The accused person gives him a certain percent of the bond required (usually 10%). Then the Bail Bondsman signs the bond with the court as surety that the defendant will appear for trial. If the defendant fails to come to court on the date set, the Bail Bondsman must give the court the entire amount of money set for the bond.

COURT REPORTER

The Court Reporter is the official who sits directly in front of the Judge's bench. Using a special typewriter, the Reporter takes down every word said during a trial. This then becomes the official trial record, or transcript.

COURT MONITOR

The Court may have a Monitor instead of a Reporter. This official makes a trial record, or transcript, by using a tape recorder.

JURY

In a criminal or a civil trial, these are the people who listen to the arguments, the evidence and the witnesses and decide the verdict. Most jury trials use 6 jurors. Twelve jurors are used in only the most serious cases.

A defendant may, however, elect not to have a jury trial. In that case the Judge will decide the verdict.

WHO DOES WHAT IN COURT?

Match the people in column 1 with the duties in column 2

COLUMN 1	COLUMN 2
JUDGE	Puts up money to assure defendant will come to court for trial
CLERK	Takes an oath to tell the truth
PROBATION OFFICER	Decides what laws apply to the case
DEFENDANT	Reads complaints and administers oaths
STATE'S ATTORNEY	Presents evidence on behalf of the defendant
DEFENSE COUNSEL	Writes up the transcript (or verbatim record) of the trial
WITNESS	May or may not testify on own behalf
BAILIFF	Provides information to the Judge on a defendant
BAIL BONDSMAN	Maintains order and decorum in the courtroom
COURT REPORTER	Tries to prove beyond a reasonable doubt that the defendant committed the crime as charged

TRIAL

YOU MAY HAVE AN OPPORTUNITY TO SEE A TRIAL, BUT IT WILL NOT LOOK THE SAME AS THOSE YOU SEE ON TV.

THESE ARE SOME OF THE PHRASES YOU MAY HEAR DURING A TRIAL SESSION:

A. "I OBJECT" -"OBJECTION SUSTAINED" or "OBJECTION OVERRULED"

Either the Prosecutor or the Defense Counsel can object to a question or the admission of an exhibit. The Judge will usually ask the person objecting "On what rule of evidence are you relying?" Then the Judge either allows the objection, thus preventing the evidence from being introduced, or he overrules the objection, thus allowing the question or the exhibit to be admitted as evidence.

B. "THE STATE RESTS"

The Prosecutor has completed the introduction of the State's evidence against the Defendant to the court.

C. "ANY CLOSING ARGUMENTS?"

The Judge will ask first the defense Counsel and then the Prosecutor if they have any arguments to present to the court, or statements on behalf of their position. The Prosecutor always goes first in the presentation of closing arguments. The Attorney for the Defendant presents his/her closing arguments next. Then the Prosecutor may present a rebuttal argument.

IN A CRIMINAL TRIAL THE DEFENDANT IS ALWAYS ASSUMED INNOCENT UNTIL PROVEN GUILTY OF THE CHARGES, AND THE BURDEN OF PROOF IS ON THE STATE. THIS MEANS THE PROSECUTOR, WHO REPRESENTS THE STATE (OR THE GOVERNMENT) MUST PROVE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT IS GUILTY AS CHARGED. HE/SHE DOES THIS THROUGH THE PRESENTATION OF FACTS, EVIDENCE AND THE TESTIMONY OF WITNESSES. THE PRESENTATION OF EVIDENCE IS COMPLICATED AND IS CAREFULLY REGULATED BY THE COURT'S RULES OF EVIDENCE. SOME OF THESE MAY BE EXPLAINED BY THE ATTORNEY WHO VISITS YOUR CLASS, OR YOUR ATTORNEY-GUIDE DURING YOUR COURT VISIT.

WHEN A WITNESS IS PUT ON THE STAND, HE/SHE IS FIRST QUESTIONED BY THE SIDE WHICH CALLED THE PERSON, AND WHICH EXPECTS TO BE HELPED BY THE TESTIMONY. THIS IS CALLED DIRECT EXAMINATION. THE WITNESS MAY THEN BE QUESTIONED BY AN ATTORNEY REPRESENTING THE OTHER SIDE. THIS IS CALLED CROSS-EXAMINATION THE FIRST SIDE MAY THEN HAVE A TURN AT QUESTIONING THROUGH "RE-DIRECT", AND THE SECOND SIDE ANOTHER CHANCE AT QUESTIONING THROUGH "RE-CROSS"?

EACH SIDE MAY TRY TO "IMPEACH THE CREDIBILITY" OF A WITNESS. THIS MEANS AN ATTORNEY TRIES TO SHOW BY QUESTIONING THAT A WITNESS IS NOT RELIABLE, OR THE STORY HE/SHE HAS TOLD IS NOT BELIEVABLE.

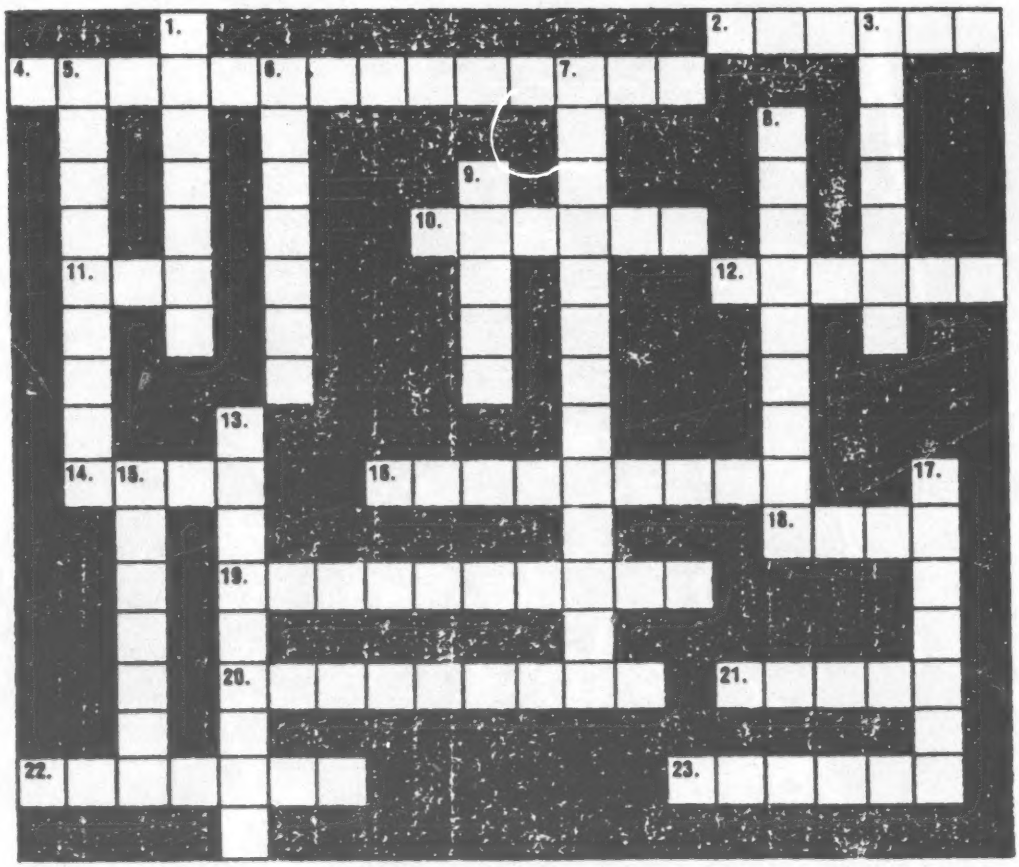
UNDER THE LAW CROSSWORD PUZZLE*

ACROSS

2. Jail; detention facility
4. Defendant pleads guilty to a lesser charge to allow for more sentencing alternatives
10. To detain or take into custody by authority of law
11. English public house for lodging; tavern
12. Inspection of one's person, clothing, or possessions under authority of law; restricted by the 4th amendment to the U. S. constitution
14. A collar or bar joining animals together for purpose of working
16. Suspending the sentence of a convicted offender under terms of good behavior
18. A group of three
19. One who aids another in the commission of a crime
20. Statements made under oath by a witness to a crime in a court of law
21. A serious offense committed against public law
22. Robbery; theft
23. A serious crime committed by a "felon"

DOWN

1. A legal document police must obtain before searching the premises
3. Taking possession of a person or property by legal process
5. Responsibility for in accordance with law; provided for by most automobile insurance
6. The act of threatening or actually harming another
7. An official inquiry to aid in determining guilt or innocence
8. Person required to answer a legal action or suit; person who is charged in a court of law
9. Same as 21 across
13. Imposed when a person is convicted in a court of law; involves loss of freedom, property, or both
15. One charged with carrying out the law; a policeman
17. Theft; felonious taking of personal property by means of force or fear



*To the teacher: you may wish to simplify the exercise by listing legal vocabulary on the blackboard

See page 78 for answers.

What's My Line??

Who's Who in Court??

1. _____ I am an individual who 'Loans' someone accused of a crime money so he/she can be set free until his trial.
2. _____ I am the person who takes notes or operates a recording device in the court room.
3. _____ I am 1 of a group of 6 or 12 people who hear a trial and decide on a verdict.
4. _____ I am the person who presides over arraignments and trials.
5. _____ I swear witnesses in and keep the court papers.
6. _____ I am a lawyer who represents the state in trying to prove a defendent guilty.
7. _____ I am a person who testifies under oath as to the facts.
8. _____ I am the person who maintains order in the courtroom and am responsible for prisoners in the court room.
9. _____ I am the person accused of a crime. I am innocent until they prove otherwise.
10. _____ I am the lawyer who tries to prove my client is innocent.

Wizard Words

Can you define these?

1. Public Defender
2. Arraignment
3. Miranda Rights
4. Probation Officer
5. Plaintiff
6. Subpeona

What do each of the following phrases you will hear in court really mean??

1. "I object..."
2. "Objection sustained"
3. "Objection overruled"
4. "The State rests"
5. beyond a reasonable doubt
6. direct examination
7. cross examination
8. acquitted
9. nolo contendre
10. case dismissed
11. contempt of court

CRIMINAL JUSTICE

FIELD ACTIVITY REPORT

A Day at the Courthouse

Name _____ Class _____ Date _____

Name of Courthouse _____ Telephone No. _____

Address _____ Reporting Time _____

Contact Person(s) _____

Name of Judge Interviewed _____

A. Things to look for and report while on your courthouse visit:
   1. Describe the general environment of the courthouse. Are the facilities croweded and noisy or calm and businesslike?

   2. Try to find a preliminary hearing. What is going on?

   3. Try to find a criminal trial in progress.

      a. What is the nature of the case?

      b. Describe the work of the prosecuting and defense attorneys.

      c. Describe the questioning of one witness during the trial.

      d. Describe the actions of the judge.

B. Questions to ask a judge if you can interview one:
   1. Does the court presently have a large backlog of cases? If so, why?

   2. What percentage of the cases before the court end in plea bargaining? What is your opinion of plea bargaining?

   3. What percentage of those convicted by the court are locked up in a correctional institution? Fined? Put on probation?

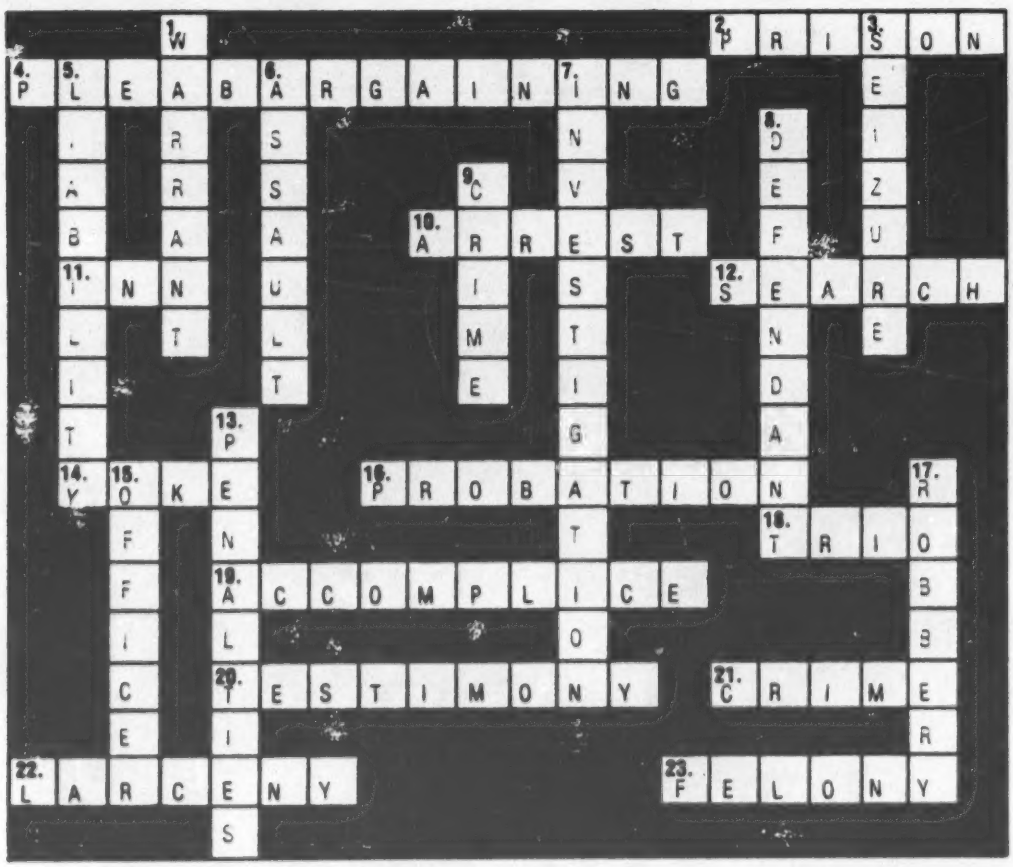
UNDER THE LAW CROSSWORD PUZZLE*

ACROSS

2. Jail; detention facility
4. Defendant pleads guilty to a lesser charge to allow for more sentencing alternatives
10. To detain or take into custody by authority of law
11. English public house for lodging; tavern
12. Inspection of one's person, clothing, or possessions under authority of law; restricted by the 4th amendment to the U. S. constitution
14. A collar or bar joining animals together for purpose of working
16. Suspending the sentence of a convicted offender under terms of good behavior
18. A group of three
19. One who aids another in the commission of a crime
20. Statements made under oath by a witness to a crime in a court of law
21. A serious offense committed against public law
22. Robbery; theft
23. A serious crime committed by a "felon"

DOWN

1. A legal document police must obtain before searching the premises
3. Taking possession of a person or property by legal process
5. Responsibility for in accordance with law; provided for by most automobile insurance
6. The act of threatening or actually harming another
7. An official inquiry to aid in determining guilt or innocence
8. Person required to answer a legal action or suit; person who is charged in a court of law
9. Same as 21 across
13. Imposed when a person is convicted in a court of law; involves loss of freedom, property, or both
15. One charged with carrying out the law; a policeman
17. Theft; felonious taking of personal property by means of force or fear



*To the teacher: you may wish to simplify the exercise by listing legal vocabulary on the blackboard

YOU & THE LAW

A guide in plain English to your legal rights

By ELLEN SWITZER
with WENDY SUSCO,
Associate Professor of Law,
University of Connecticut

No one likes to tangle with the law, but most of us will run into legal confrontations at some time or another—whether it's a simple traffic ticket and fine or a more serious matter, such as a divorce or a child's arrest. These encounters with our legal system are confusing and complicated—but they don't have to be. Our practical guide to the law tells you how to deal calmly and intelligently with the legal problems you may face.

RIGHT NOW America is experiencing a law explosion. More laws have been enacted during the past 10 years than during the previous 100—laws that affect your employment, credit, housing and education rights. Recent decisions handed down by the Supreme Court have also had a significant impact on the lives of married couples, pregnant women, children in public and private schools, college students, persons accused of crimes and members of pension plans.

We've come a long way from the days when you could get a lawyer only if you could afford one. Today, legal-assistance corporations, store-front law clinics and special legal advisory services for women and minorities are springing up in many communities. College groups retain lawyers to advise students on personal matters, and some unions even make provisions in their employment contracts for legal as well as medical insurance. Add to this the growing popularity of do-it-yourself law kits that enable one to handle his or her own divorce. All these changes in our legal system have caused the number of citizens using the courts to fight for their rights to skyrocket.

The legal profession itself is undergoing transition. The old image of imposing law offices accessible only to the rich and elite has been swapped for a more down-to-earth, approachable one. There has been a dramatic increase in the number of attorneys in practice. In fact, there are almost twice as many lawyers today as there were in 1970, and their numbers will continue to rise (college graduates are "flocking to law schools like lemmings," as the admissions dean at one school put it). What's more, lawyers who formerly were permitted only to list their names in a telephone book's yellow pages are now advertising their qualifications and fees for common legal services such as making a will or getting a simple, uncontested divorce.

Furthermore, many of the country's top lawyers are touting a new concept, *preventive law*, claiming that it may be almost as important as preventive medicine in protecting individuals from time-consuming, anxiety-provoking and expensive legal problems.

All these changes make it increasingly important for us to know the basic facts about the laws which govern us and how the legal profession works. Many of the legal tangles we experience could probably be solved simply and inexpensively—and perhaps avoided entirely—if we only took the time to learn our rights. But how do you begin?

CONSTITUTIONAL LAW

As the first step, open a good almanac or high school history book for a careful reading of the U.S. Constitution, paying special attention to the first 10 amendments, known as the Bill of Rights. This document spells out clearly and simply your basic rights as an American citizen:

- freedom of the press
- freedom of assembly (the right to gather peaceably and petition the government on grievances)
- freedom of religion
- freedom from unreasonable searches and seizures (this now includes tapped telephones)
- freedom from government intervention in your home
- the right to be arrested only for a just cause
- the right to confront any witnesses against you
- the right to a fair and speedy trial (without unnecessarily high bail before conviction)
- the right to a trial by a jury of your peers
- the right to keep and bear arms

Believe it or not, most Americans are unfamiliar with these constitutional rights. A recent survey by CBS News indicated that a sizable number of U.S. citizens didn't know what the Bill of Rights contained. In fact, many considered its provisions, when presented in a different context, "radical," "extreme" and even "communistic."

WHAT'S INSIDE:
This legal guide can save you money and trouble:

5 common misconceptions...2
How constitutional law applies to us...2
Test your law I.Q. ...3
3 ways to find a lawyer...4
How lawyers set fees ...4
Self-help law ...4
How to cope with 10 legal problems...5
Marriage: Who owns what? ...6
Children and the law...6
Employment & credit rights ...7
Landmark Supreme Court decisions that affect you...7
Making sense of "legalese" ...8
You can fight city hall ...8

5 COMMON LEGAL MISCONCEPTIONS

1. **The U.S. Constitution grants all citizens the right to bear arms.**
Here's what the Bill of Rights actually has to say on this subject: "A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." The courts have interpreted this to mean that the bearing of arms in a militia should not be infringed. However, state and municipalities are empowered to pass laws regulating the sale, possession and bearing of arms.

2. **A wife cannot testify against her husband.**
A wife—or a husband, for that matter—cannot be *forced* to testify against a spouse, because the court considers this an interference in the marital relationship. However, any spouse who volunteers to testify is certainly permitted to do so.

3. **In a state in which the law requires a husband to support his wife, the wife is entitled to support commensurate with his income and standard of living.**
A great many women believe this and often regret how wrong they have been. In all cases the term "support" is defined very narrowly. It means that a husband is obliged to provide his wife with sufficient food to keep her from becoming malnourished, enough clothing to keep her warm in the winter and decently covered in the summer, some kind of roof over her head, and minimal medical care.

The classic case came before the courts in Nebraska in 1953 when a Mrs. McGuire asked that her husband be ordered to increase her standard of living slightly. Mr. McGuire owned property valued in excess of $200,000, yet their home had no bathroom, inside toilet or kitchen sink. His wife had only an unheated, dilapidated pick-up truck to use for trips into town and she was not allowed to use the telephone without permission. Mrs. McGuire had to raise chickens in her backyard for money to buy groceries and clothing. When she asked to be awarded $50 per month, a better car and some winter clothing, the court found that, although Mr. McGuire might be considered somewhat miserly, he had, in effect, the right to determine the level of support he would give his wife. His standard of living need not be the same as hers. The courts would not intervene in what the judge called "an ongoing marriage." If Mrs. McGuire wished to attain a higher standard of living, she would have to sue for a legal separation or divorce before the court would intervene.

The McGuire case is still used as the model in similar support cases in courts throughout the United States.

4. **A contract is legal only if it's written down.**
A verbal contract may be legal and binding when an item of limited value (in most states up to $500) has been put up for sale and a binder's fee (such as a down payment) has been given and accepted. In most states, there is one exception: All transactions involving the sale of *real estate* should be put in writing. Throughout legal history, lawmakers have ascertained that the buying and selling of real estate is too important to be concluded with a handshake and a verbal promise. However, it is not always necessary to have an attorney draw up a lengthy legal document. A simple exchange of letters—in which one party offers to buy the property and the other accepts the offer—almost always constitutes a legal contract.

5. **If you are innocent, you don't need a lawyer.**
Some people carry this misconception too far; they believe that retaining a lawyer is somehow an admission of guilt. Nothing could be further from the truth. Anyone accused of a crime, regardless of his or her innocence, must get legal counsel as soon as possible. No matter how fair and careful a legal system is, innocent people have been convicted of crimes. The best defense against this is a good attorney.

HOW CONSTITUTIONAL LAW APPLIES TO US

MOST OF US THINK of constitutional law only in terms of vast general principles that don't really touch our daily lives. But the outcome of many everyday legal disputes depends on our knowledge of constitutional rights. The following case histories of two families illustrate how familiarity with constitutional law made an enormous difference in their lives. The first case concerns a law-abiding family in a suburb of a large New England city. (The names and other identifying facts have been changed to protect their privacy.) The second case appears on New Jersey court records and therefore names and other facts are real.

Case I: Jane Olson, 13, was giving a birthday party at her home. While her parents were on an errand, a policeman came to the door and said a neighbor had complained about the noise. Jane reassured him that she'd tell her guests to quiet down. The policeman seemed satisfied, but he had an additional request. There was a rumor around town, he said, that someone in Jane's home was in possession of illegal drugs. Of course, he didn't believe a word of this slander, he said, but would she mind if he just came in and looked around? Jane let him in. He searched the premises and emerged with two partially-smoked marijuana cigarettes. When Jane's parents returned, he arrested them for possession of illegal drugs.

Mr. Olson explained he had no idea where the pot came from—presumably one of Jane's guests had brought it. Since he knew that conviction for possession of illegal drugs constituted a felony, he became very concerned and called his attorney.

It turned out that the policeman had no right to enter the Olson house, even though Jane had permitted it. He had no warrant.

Case II: A New Jersey high school girl, Lori Paton, wrote for information to a political party that had once been on the (now defunct and illegal) Attorney General's subversive list. Lori was doing a paper on extreme political groups for her civics class.

However, she noticed that she was being watched. FBI agents came calling in her neighborhood, asking questions about her character, habits and possible arrest record, her father's credit rating, drinking habits and so on. After a complaint from the Paton family, local authorities notified the FBI that Lori was not manufacturing bombs in the family's basement; she was just completing a high school project. The Patons received an apology, but Lori's file was kept active for "subversive connections" at FBI headquarters. Lori sued and her file was finally removed and destroyed. Had she not sued, in later life she might have been refused security clearance for a job, denied a passport or experienced any number of other unpleasant after-effects from her innocent school project.

TEST YOUR LAW I.Q.

1 Before Bob and Janet got married, they signed a so-called "marriage contract," which carefully spelled out future privileges and responsibilities. They would take turns cooking meals and cleaning house. They would be entitled to take separate vacations. Janet would continue her career, and Bob would not take a job in another city without her approval. After two years of marriage, Bob is not keeping his part of the bargain. Janet doesn't want a divorce but feels Bob is not living up to their legal agreement. Has she grounds for a lawsuit?

☐YES ☐NO

Answer: No. Such contracts governing personal behavior are considered by the courts to be *private* agreements and therefore of no concern to the state. *Besides, courts rarely interfere in ongoing marriages.* If Janet wishes to divorce Bob, then she may be able to use his breach of marriage contract as evidence.

2 Ted and Alice have signed a premarital agreement in which Alice keeps complete control of a sizable inheritance from her grandfather's estate. Ted also promised to pay Alice's way through graduate school after he finished his own training to become an orthodontist. He is now in private practice, and Alice insists that he pay her way through law school. He wants her to use the money from her inheritance. Has she a legal case?

☐YES ☐NO

Answer: Yes. Courts' concern with financial matters dates back to times when women brought dowries into marriage and husbands-to-be settled sums of money on future brides. So-called prenuptial *financial* agreements are legal contracts and will usually be regarded in that light by the court.

3 Eighteen-year-old Sam runs a red light on Main Street. He is stopped by a policeman who thinks he detects a faint aroma of marijuana in the car. He asks Sam to get out so he can search. When Sam asks to see a search warrant, the officer tells him none is needed. Is the officer right?

☐YES ☐NO

Answer: Yes. The U.S. Supreme Court recently ruled that a police officer may search the car of a driver stopped for a traffic violation. The reason: A warrantless search of the immediate premises is legal if an offense has already been committed, and this includes traffic violations. Parents should tell children this simple legal fact.

4 Fourteen-year-old Susan is stopped by a store detective in a local department store as she carries a record from the music department on the second floor down to the first floor. She tearfully insists that she was only planning to buy a birthday card on the first floor to send along with the record. The store calls the police and has her arrested. Was the arrest legal?

☐YES ☐NO

Answer: No. Shoplifting charges can be brought only if the suspect has actually left the store. Susan's parents may have grounds to sue the store for falsely accusing and arresting their daughter.

5 Agatha buys an expensive food-processing machine at a local discount store. When she uses the machine, it doesn't blend, chop or mix. Since the warranty says the appliance is guaranteed for one year, she takes it back to the store to be fixed and is told that she will have to send the machine to the factory in California (she lives in Vermont) for repairs, which may take months. Is the store responsible for giving her a new appliance, or at least repairing the machine, within a more reasonable length of time?

☐YES ☐NO

Answer: No. Agatha's warranty stated explicitly that the manufacturer was responsible for repairing the machine during a twelve-month period, unless the store made special provisions. It's wise to read warranties before making a purchase and to ask about a store's policy for appliance breakdowns. If the store indicates that the repairs will be done locally, get this promise in writing.

6 Elizabeth picked the best-qualified doctor in her community for gallbladder surgery, which was successful. Accidentally, she found out that her doctor only stood by and supervised a young resident, who actually wielded the scalpel. Can the surgeon make her pay his $1,000 fee for an operation he did not perform?

☐YES ☐NO

Answer: Yes. Elizabeth had "ghost surgery," which occurs frequently, especially in teaching hospitals. Before her operation Elizabeth signed a consent form that probably said something like this: "Dr. Jones is authorized to perform a gallbladder operation, *assisted by any physicians he may designate.*" The courts define the word "assisted" very broadly. As long as Dr. Jones was in the operating room, he has the right to charge his customary fee. If Elizabeth encounters any serious problems after her gallbladder surgery, and it turns out that the resident bungled the job, she may, of course, sue Dr. Jones for medical malpractice.

To avoid a similar problem the next time she needs an operation, Elizabeth may cross out that line about "assistance by other physicians," or she may get a written promise that Dr. Jones will indeed perform the operation himself.

7 Anthony and Elsa own a Laundromat. One night a defective dryer explodes and ruins the whole establishment. They retain an attorney who promises to file suit against the manufacturer. After more than a year has elapsed, Anthony and Elsa have had no word about the progress of their case. They call their lawyer (for the tenth time), and he confesses that he forgot to file the necessary papers. Now it's too late, he says, because in their state, the statute of limitations has run out. Can Anthony and Elsa still sue anybody?

☐YES ☐NO

Answer: Yes. They can sue the lawyer for malpractice. Most people don't realize that all professionals are liable to malpractice suits if through failure to perform their duties in a responsible manner they damage their clients.

8 Beverly, age 53, has been working as a receptionist for a wholesale cosmetics firm for five years. One day she is called into the manager's office and told that times are bad and that the staff is being cut. She gets two weeks' severance pay. A few days later, she comes back to pick up a plant she forgot to take home and finds a very attractive woman, probably no older than 20, sitting at her former desk. She suspects that she was fired because the management wanted a younger, better-looking receptionist. Can she file a legal complaint?

☐YES ☐NO

Answer: Yes. Federal law prohibits job discrimination on grounds of age, as well as on grounds of sex, race, religion and place of national origin. If her employer felt a younger receptionist was needed, he could have transferred Beverly to another job at a comparable salary. She should file a complaint with her state's Equal Opportunity agency and/or with the nearest office of the U.S. Department of Labor.

9 Twenty-six-year-old Sandy has been going steady for more than five years with Ben, who has told her he is single and promises to marry her as soon as "certain financial matters" have been straightened out. One day, she meets an old friend who's known Ben for years and who tells Sandy that he has a wife and three children in Oklahoma. Can she sue Ben?

☐YES ☐NO

Answer: No. Breach-of-promise suits went out with crinolines. Most states have eliminated them from their books, and even those that still have such laws refuse to enforce them. Remember one legal principle: *Usually hurt feelings don't count.* A plaintiff must prove real physical or financial damage or *serious* injury to his reputation before any award will be considered. (Sandy might consider consulting a therapist, instead of a lawyer, to find out why she was so gullible for such a long time.)

10. Althea has signed a two-year lease on an apartment, which specifically prohibits subletting. When she is transferred to another city, Althea decides to "lend" her sister Dorothy the apartment. Althea then sends a rent check to the landlord every month, and Dorothy reimburses her. One day, the landlord discovers who is really living in the apartment and evicts Dorothy. Can he do this?

☐YES ☐NO

Answer: Yes. Althea is doing exactly what she has contractually agreed not to do: Subletting the apartment. That the tenant happens to be her sister has absolutely nothing to do with the case.

FC3

THREE WAYS TO FIND A LAWYER

MOST OF us have a family doctor we call if someone is seriously ill. But in a *legal* emergency few of us know where to turn, since very few of us have a family lawyer.

Lawyers are, of course, listed alphabetically in the Yellow Pages under "Lawyers;" but this listing tells very little about the lawyer—only his or her name, address and telephone number. Since many lawyers, like physicians, specialize, it doesn't make much sense to call an attorney who deals in estates and trusts if a youngster has been arrested on a drug charge. So, how does one go about finding the right lawyer in a legal emergency?

1. Ask a friend who has recently been involved in a comparable legal dispute. Most legal problems are fairly common ones, and chances are that you know at least one person who has had a similar experience. If your friend was satisfied with the way he was represented, you may want to call his lawyer. If not, the friend may have been especially impressed with the way the opposing lawyer handled the case. Then that's the lawyer to contact.

2. Use the referral service of your local Bar Association, which is usually listed in the Yellow Pages under "Lawyer Referral Service" or "Bar Association Information Service." Tell the person who answers your call what your particular legal problem is, and you'll be given the names of several lawyers (usually three) who are knowledgeable in the area of law that concerns you at the moment. You can call one or all of these. Since it's important to find a lawyer whom you like and trust, you may want to talk to the lawyer in person. Many lawyers will allow you to come in once to outline your problem and will charge you a moderate fee—or nothing at all—for a first consultation. However, be sure to ask what the initial visit will cost before making an appointment.

It's even more important to find out what kind of fees an attorney charges before deciding to retain one. Lawyers' fees vary, depending on a number of factors, including the type of experience the attorney has in a special field, the amount of time he has been in legal practice, and even the type of neighborhood in which he rents an office. (See "How Lawyers Set Their Fees," this page.) The most expensive lawyer may not necessarily be the best one for you.

3. If you feel that you are unable to afford a lawyer, call the legal assistance agency in your community. If you can't locate the number in your phone book, ask your Community Council, Family Service Agency or United Way organization how to contact this agency.

You may be eligible for free legal advice. Even if you don't meet the legal assistance agency's income requirements, the organization will usually be able to refer you to a legal clinic or a lawyer in your community who will take a certain number of low-fee paying clients.

A Note of Advice: Don't allow yourself to be panicked into retaining an attorney about whom you know nothing. Legal emergencies, unlike medical ones, can usually wait for at least 24 hours before being resolved. So take as much time as you need to find the lawyer who is right for you. It is, of course, entirely possible to dismiss a lawyer, even in the middle of a case. But you must let the lawyer know in writing that you will be seeking legal help elsewhere. No ethical attorney may discuss a case with a person who is still the client of another attorney.

PC4

SELF-HELP LAW

ALTHOUGH MOST LEGAL experts would agree that a person who serves as his own attorney has a fool for a client, here are three instances when a lawyer is not really needed.

1. Neighborhood disputes involving no personal injuries and limited property damage. If an intermediary is needed, a person whom both families like and respect—a clergyman, for instance—might be called upon for help.

2. Automobile mishaps involving no personal injuries and no serious charges. Report automobile accidents to your insurance company, whose lawyers should fight any serious legal problem in court at no cost to the insured.

3. Claims of property loss or damage that may be settled in Small Claims Court. The amount of money considered "a small claim" varies from state to state, the upper limit usually anywhere from $500 to $1,000. To determine the amount of the limit and how to take this kind of legal action, call the clerk of your local small-claims court.

Lawyers are not necessary in small-claims court; indeed, many judges actively discourage plaintiffs from bringing in professional legal counsel. However, if you have no knowledge of the laws of evidence, it may be worthwhile to discuss your small-claims case with a knowledgeable friend or attorney. It's important to bring in all relevant documents and other material and to ask witnesses to appear. It usually costs about $10 to file papers to be served on the defendant. If you win the case, the defendant may be asked to pay court costs along with the claim.

HOW LAWYERS SET THEIR FEES:

BY THE CASE: A lawyer may charge a predetermined, fixed amount for specific cases such as making a will, filing for an uncontested divorce, settling a bankruptcy petition, writing a lease or sales contract, or searching a title for a piece of real estate.

BY THE HOUR (or, more exactly, by the minute): Most lawyers charge clients according to time spent, with fees ranging from $25 per hour to over $200 per hour, depending on the attorney's experience and expertise. Telephone calls count, and usually so does time spent discussing cases over lunch or dinner. When consulting a lawyer professionally, either in person or on the telephone, it's advisable to get right down to business.

ON A CONTINGENCY BASIS: Most attorneys will take cases involving damages for personal injuries or serious financial losses for a percentage of the amount the client is awarded. Usually, the lawyer gets one-third of the award if the case is settled out of court, 50% or more if a courtroom appearance is required. This may seem like a great deal of money, but lawyers receive no payment, except their own expenses, if the case is lost.

NOTE: **BEFORE RETAINING AN ATTORNEY ASK HOW HE SETS HIS FEE AND HOW MUCH HE ESTIMATES THE SERVICE WILL COST.**

HOW TO COPE WITH 10 COMMON LEGAL PROBLEMS

1. Your grandfather has been telling you for years that he plans to leave you his entire estate. He has made this promise verbally, in front of witnesses, and you have a letter he wrote to you on your last birthday, repeating his intention. You are sure that Grandpa does not have a will. Are his verbal and written promises sufficient to assure your heiress status?

Answer: No. Many people believe that a simple letter of intent or a verbal promise made in front of witnesses is as good as a legal will, but if Grandpa dies without a will, his property will be divided according to the laws of your state, as they apply to persons who die intestate (without a will). In most states, if a person dies without immediate surviving relatives (spouse or children), the estate is divided among remaining relations, including brothers, sisters and occasionally even nephews, nieces or cousins. It might be a good idea to have someone tell Grandpa this fact, and to encourage him to make a will as soon as possible. In fact everyone old and young should have a will no matter what size the estate. If you have children under 18, there should be a provision for their legal guardianship.

2. You have noticed that your husband seems to be getting very interested in another woman. Lately, he has hinted that he might be considering a separation or divorce. What legal steps can you take *now*?

Answer: Make sure that he does not dispose of property you own jointly. In community-property states (see Your Marriage: Who Owns What?), this means half of everything both of you have acquired since your marriage. If you have a joint checking or savings account, take out as much money as you think fair. (You can legally take it all without asking him first.) Keep an accurate record of your household and child-care expenses. You may need these figures later to claim fair alimony and child-support payments. If your husband indicates that he has seen a lawyer, hire one yourself—the sooner, the better.

3. You left your car in a parking lot. the attendant took your keys to move the car around if needed. Four days later, the police telephone: Someone has accused you of ramming into his car on the lot, and you are charged with a hit-and-run driving offense. This is a minor offense, they say, but you and your car should make an appearance at the police station as soon as possible. What is the first thing you should do?

Answer: Call your lawyer. "Hit-and-run" may seem like a minor offense to policemen, accustomed to dealing with mayhem and murder, but a conviction could make an important difference in your life. In some states, this is considered a misdemeanor, which is a crime. A conviction could also cause your insurance company to cancel your policy or at least raise your insurance costs drastically. Your lawyer may want to accompany you to the police station to make sure that your rights are respected.

4. You are being interviewed for a job. You were recently married and the interviewer asks you whether you plan to have a family. You tell him that you may decide to have children a few years from now. The interviewer tells you that the person who is hired for the job will undergo an expensive training program and that, because of your marital situation and childbearing plans, he does not consider you a good prospect. You don't get the job. Has an employer a legal right to ask such questions and to base a final decision on your answers?

Answer: He does not, unless he asks all male job applicants the same questions and bases his decision on the same facts. The employer is in violation of Title VII and you may issue a formal complaint. If the employer realizes that you know your rights, you may still be hired. If not, you may have grounds for a discrimination suit.

If an employer refuses to hire you because you have small children, he is also in violation of the law—unless he also won't hire men with small children.

5. Your son's school suspends him for 12 days because he got into a fight on the school bus. He tells you he was just defending himself from the class bully, who was threatening to wrap his tuna fish sandwich in your child's term paper. You ask to see the principal, but he tells you there's nothing he or you can do; the suspension stands. Can a school deny your son a fair hearing, and is there anything you can do to change the principal's mind?

Answer: Your son is indeed entitled to a hearing, and you should insist that he get one. In 1976 the Supreme Court ruled that "total exclusion from the educational process for more than a trivial period" without a chance to answer the charges violates a child's right to due process; 12 days would certainly be considered "more than a trivial period." The student is entitled to oral or written notice of the charges against him. He must have a chance to hear the evidence in his case, to confront witnesses, and to present his side of the story.

Incidentally, some private schools now require parents to sign a statement, prior to their child's admission, that they will not sue the school or take any other legal steps should the child be suspended or expelled. There is a question whether such a waiver of a child's rights is legal. In any case, a parent should think carefully before giving up a youngster's right to due process.

6. Your usually friendly poodle has had a bad day and bites the postman. The postman threatens to sue. What can you do?

Answer: In this case, don't call your lawyer, call your insurance company. If you have a standard liability policy, you probably are covered for any damages a court may award the postman. What's more, the insurance company's lawyers should handle the case at no expense to you. In view of the fact that postmen, day-workers, and even friends or relatives may sustain injuries in a *rented* apartment as well as in an owner-occupied house, it's just as important for apartment dwellers as for home-owners to obtain liability insurance. Homeowners do this as a matter of course. Apartment dwellers, even those with fire and theft insurance, rarely think about the damage a liability suit could do to their finances.

7. While you were out, an attractive encyclopedia salesman charmed your 14-year-old daughter into purchasing a set of books at a cost of $350 (plus interest) to be paid over a period of one year. You don't need and can't afford the books. What can you do?

Answer: Call the company the salesman represents and tell them your daughter is a minor and therefore has no right to sign contracts. Follow up your telephone call with a letter, preferably sent via registered mail. That should be the end of the matter.

Even if your daughter was not a minor, or if you had signed the contract yourself, in many states you have the right to cancel such an agreement, if you change your mind within one or two days. To find out the laws of your state in such a case, call your Department of Consumer Protection or your Better Business Bureau. If state law permits, cancel the contract *in writing* within the stated period of time, by sending the cancellation by registered, "return receipt requested" mail and keeping a carbon of the letter plus the receipt from the post office.

8. A health spa has opened in your neighborhood. Since you want to lose weight, you talk to the manager, who promises that you'll be 20 pounds lighter in six weeks if you simply follow the spa's diet and exercise program. If you don't lose the weight, you'll get your money back, she says. You pay your $75 registration fee, stick to the diet, and attend the spa three times a week. At the end of the six weeks you have lost only two pounds. You ask for your money back and are told that you probably didn't follow the diet properly and that you didn't do the exercises exactly as they were prescribed. Is there anything you can do to get your money back?

Answer: Only if that money-back guarantee was given to you in writing (and without any small print qualifying the original promise). It's almost impossible for you to prove that you did indeed follow the spa's instructions exactly, and a verbal promise of a refund is not much help in any case. When signing up for any type of course—exercise, dancing, foreign languages, etc.—it's important to read what you are signing. Are you committing yourself to more than you intended? Do you have a period in which you can cancel the agreement if you are not satisfied with the service? Are all the advertised services specifically listed in the contract?

Once you have signed a contract (or paid for the course), it's usually very difficult to reverse the situation. If the organization has made false promises such as telling you about a swimming pool without providing one, or hiring clearly unqualified instructors, you may be able to get some help from your Consumer Protection Department or Better Business Bureau (to be found in the white pages of your telephone book). You could also try to get your money back via Small Claims Court (see Self-Help Law). It's rarely worthwhile to hire an attorney to pursue your claim. Your legal fees would probably cancel out whatever cash award you may realize from a court suit of this kind. ➡

FCS

9. Your lease is up next week and you find a letter from your landlord in your mailbox indicating that your rent will be raised by 29%. Is there anything you can do besides looking for a new place to live?

Answer: Get out your old lease and read it carefully. Most leases contain a clause that requires a landlord to give you notice within a specific period of time if the rent or any other aspects of the lease are to be changed. Usually the notice period is at least one month. If you were not notified, you can assume your lease will be renewed at the same rent and that you don't have to pay the increase. If there is no rent increase notification clause in your lease, or if you have no lease at all, you probably have to pay the rent increase or move.

Incidentally, if you have a lease and want to move out when it expires, you may also be required to give the landlord reasonable notice. It's a good idea to look over any lease two or three months before its expiration date to make sure you know what your rights and obligations are.

10. You have been divorced for four years and have custody of your three children. At the time of your divorce your husband was a struggling young accountant. Based on what he was earning at the time, you were awarded $200 a month in child support payments. The financial situation has now changed; your ex-husband is no longer struggling since his income has more than tripled since your divorce. On the other hand, your money situation has become worse: Inflation and increased taxes have strapped you. Is it possible to get those support payments raised?

Answer: It certainly may be. If you are on good terms with your ex-husband, you might just want to tell him about your financial problems and ask him to raise his child-support payments voluntarily. If he says he will, get his agreement in writing.

If your present relationship is tense or if he refuses to discuss increased support, get a lawyer (preferably the one who represented you in the divorce) to talk to your husband's lawyer. If that doesn't produce results, your lawyer can formally petition the court to raise the amount of child-support your ex-husband was ordered to pay. Chances are good that a judge will take your ex-husband's present prosperity and your financial difficulties into consideration and award you increased child-support payments.

FCS

YOUR MARRIAGE: WHO OWNS WHAT?

If you live in one of the eight so-called "community property" states—Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas and Washington—all property acquired during a marriage, even if it consists entirely of the earnings of one spouse, belong to both husband and wife equally. If they split up, each is entitled to half.

In all other states, known as "common law" states, property in the husband's name—even if previously owned or earned during the marriage by the wife—is regarded as his. If the marriage ends, a judge may award the wife a percentage of those holdings at the court's discretion.

Following are six suggestions from lawyers for couples about to be married, presently married, or on the verge of breaking up:

1. Although this may sound very unromantic, discuss the way you plan to handle money and property *before* you get married. A woman, for instance, who gives up an education or a career should consider asking for some kind of premarital agreement before relinquishing her earning power. After all, those Victorians who insisted that marriage settlements be discussed even before a couple announced their engagement were just being realistic.

2. Husbands and wives should be open with each other about all financial matters such as property owned by either spouse or how much money is available for the household budget. A wife whose husband refuses to give her such information (or, for that matter, a husband who is denied such facts) should reflect seriously on the basic structure of the marriage. Such secrecy usually indicates a lack of trust, and marriage counseling might be needed.

3. Any couple deciding to divorce should try to come to an agreement about property settlement, parental rights, custody, and other matters *before* going to court—and, if the breakup is a reasonably friendly one, before retaining a lawyer. Trying to settle such matters later on can be expensive, both financially and emotionally.

4. Every husband and wife should draw up a will, no matter how little property the family owns. If there are minor children, the will should name a legal guardian in case both parents die before the youngsters reach maturity. Lynne Caine, author of the book *Widow*, suggests that every couple institute "Contingency Day," a day when they carefully plan how either would live if he or she were suddenly widowed and left to care for their children. (She mentions the day after Christmas or an anniversary as a good time.)

5. Don't overestimate your legal rights in marriage. It's wise to check exactly what your rights are before getting married and even more important if you're seeking separation or divorce.

6. To learn more about your rights as a wife, visit your nearest public library. Here are three recent books on the subject that you might want to look at:

a) *Your Introduction to Law* by George G. Coughlin (Chapters 14 and 15 on marriage, divorce, separation and annulment). Barnes and Noble Books.

b) *Women and the Law* by Leo Kanowitz (Chapter 3: "The Married Woman"). University of New Mexico Press.

c) *The Law for a Woman: Real Cases and What Happened* by Switzer and Susco (Chapter 5: Rights in Marriage and the Family). Charles Scribner and Sons.

If you want a slightly different view of the subject, read Chapter 8 on "Family Law" in *Sexist Justice* by Karen DeCrow, Random House.

WHAT TO TELL YOUR CHILDREN ABOUT THEIR RIGHTS

Most of us don't expect our children to get into trouble with the law, but a surprisingly large number of youngsters do—including some from good and loving homes. It's therefore important to pass on to your children five rules for dealing with the police:

1. Never resist arrest, no matter how unreasonable the arrest may seem. Resisting arrest is, in itself, illegal.

2. If you are arrested and taken to a police station, don't answer any questions until your parents have been notified and are with you.

3. If the arrest is for an action that, in an adult court, would be considered a felony (this includes shoplifting and drug possession), ask for a lawyer. Don't make statements or answer questions until you and your parents have had a chance to consult with an attorney. (At this point, a great many charges are dismissed.)

4. If a policeman comes to your home to search the premises, and neither parents nor adult guardians are home, politely tell the policeman to come back when an adult has returned. (This instruction should be given baby-sitters as well.)

5. Tell your children that you might indeed get upset or even furious with them if they are caught breaking the law, but facing the music at home is a great deal less serious than facing legal consequences alone in a police station. Many juvenile officers in police departments report that some children are so afraid of their parents' anger that they won't readily give their names or other information; in these cases, notification of parents and lawyers is delayed.

FEDERAL LAWS THAT AFFECT YOUR EMPLOYMENT AND CREDIT RIGHTS

The 1970's marked a legislative crackdown on unfair practices in employment, hiring, promotions, firing and retirement. New legislation also provided consumer protection in areas affecting the granting of credit and collection of debts. Here's a rundown on employment and credit laws and what they mean to you.

Title VII of the Civil Rights Act of 1964, *as amended by the Equal Employment Opportunities Act of 1972 (usually referred to as Title VII).*

This law prohibits all discrimination in employment, including hiring, upgrading salaries, fringe benefits, promotion and training on the basis of sex as well as race, color, religion or national origin. It covers all employers with more than 15 employees.

If you feel that your rights have been violated, complain to your state's Human Rights or Fair Employment Practices Commission or the nearest regional office of the U.S. Equal Employment Opportunity Commission.

Protection of Age Discrimination in Employment Act extended to Age 70 in 1978

This law prevents employers from forcing the retirement of employees before they reach age 70, except for tenured college professors, executives collecting large pensions, policemen and firemen.

If you feel that you are being pressured to retire before age 70, register complaints with the same agencies concerned with Title VII.

Social Security Amendments of 1977

This law provides Social Security benefits to ex-wives and ex-husbands on their former spouses' accounts if the marriage lasted for *10 years or more*. An ex-wife or husband may collect *full* benefits even if the former spouse has remarried. Before this 1977 amendment, an ex-spouse had to be married for 20 years or more to be eligible to collect Social Security.

The law also eliminates the penalty of forfeiture of benefits when a widow or widower, collecting as a surviving spouse, remarries after age 60. This means that all those elderly couples living together, without benefit of a marriage license in order to not lose Social Security benefits, may now legalise their relationships.

In case of problems, contact your nearest Social Security office.

Another important recent Supreme Court decision (Los Angeles vs. Manhart, 1978) prohibits employers from charging women more than men to participate in *company pension plans*. This ruling was made in spite of the fact that, according to the best available statistics, women live longer than men. The decision means that women employees in company-operated pension plans will now pay the same monthly rates as men for the same benefits.

Equal Credit Opportunity Act

It is now unlawful for creditors to discriminate on the basis of sex or marital status in any aspect of a credit transaction. Creditors may not:

- inquire into birth control practices or child-bearing intentions.
- refuse to credit income because it is from part-time employment
- refuse separate accounts to married women who are creditworthy
- inquire into a spouse's credit history unless a joint application is made or spouse furnishes the basis for credit.

Applicants can now ask that joint credit accounts be maintained in the name of each person. They may choose whether or not to disclose income from alimony and child-support in applying for credit.

Fair Credit Billing Act

You have the right to question the propriety of an item billed to you. The query must be *in writing*. During investigation, creditors may not report adversely on your failure to pay the disputed bill to a credit bureau. Resolution must occur within 90 days of inquiry. Creditors must provide evidence of mailing or delivery of merchandise billed in order to charge for it.

Fair Debt Collection Practices Act

This law forbids outrageous collection practices—debt collectors posing as attorneys, threatening legal actions that cannot be brought (usually arrest for failure to pay a bill), telephone calls at all hours of the night ("restricted to reasonable hours"). If you have a problem, call or write the Federal Trade Commission. They will advise you on what further action is necessary in your state.

LANDMARK SUPREME COURT DECISIONS THAT HAVE AFFECTED YOUR LIFE

Brown vs. the Board of Education (This decision changed the laws on segregation in schools. It called for desegregation, 1954.)

Until 1954, legal opinion held that school systems could maintain separate schools for children of different races, as long as facilities and teaching staff were considered "equal." In the *Brown* case the Supreme Court ruled that separate schools for children of different races were *inherently unequal*, and therefore a violation of the constitutional guarantee of equal protection under the law. From that date on, boards of education were on notice that public school systems should be desegregated with all deliberate speed. The Court has upheld this ruling over the past two decades in spite of various appeals arguing for modification of the decision.

Gideon vs. Wainwright (This decision guarantees a person the right to legal counsel even if one can't afford to pay, 1963.)

Clarence Earl Gideon, a penniless itinerant, was charged with breaking into a poolroom with the intent of committing a misdemeanor. He had no funds to retain an attorney, and Florida had no provision for a public defender unless an indigent person was charged with a capital crime that might result in the death penalty. Gideon represented himself in court as best he could and was convicted. While in jail, he filed a habeas corpus petition on his own behalf. The Florida courts turned him down. At that point, Abe Fortas, then an attorney in private practice and later a member of the U.S. Supreme Court, was appointed to aid in Gideon's appeal to the Supreme Court. The Court found that *any defendant had the right to counsel if conviction of the crime with which he was charged might result in a jail sentence*, and that the state was obligated, under law, to provide such counsel *free-of-charge* if the defendant could not pay.

Escobedo vs. Illinois (Established a person's right to counsel before and during questioning by the police, 1964.)

Danny Escobedo was arrested and charged with the murder of his brother-in-law. Relatives notified an attorney, who went to the police station immediately but was denied access to the prisoner, then being questioned by the police. Escobedo, although protesting repeatedly that he wanted to talk to a lawyer before answering further questions, eventually made some incriminating statements. He was convicted of the crime in court. On appeal, the Supreme Court held that the police must allow any person in their custody free access to an attorney, before and during questioning.

Miranda vs. Arizona (Established that a defendant has specific legal rights and must be informed of these before arrest, 1966.)

Ernesto Miranda was charged with kidnapping and rape, taken into custody and questioned extensively in an interrogation room. He was not informed that he had a right to free legal counsel and did not have to answer questions without a lawyer present. He was convicted, but his conviction was overturned by the Supreme Court on the grounds that a defendant must be *told* of his rights before questioning. This resulted in the so-called "Miranda warning," which policemen carry and read to all persons about to be arrested. There are no specific words to the Miranda warning, but the police usually say something like this: "You have the right to remain silent. Anything you say can and will be used against you in court. You have the right to have a lawyer present during questioning. If you cannot afford a lawyer, one will be appointed for you, and questioning will not proceed until an attorney is present. Do you understand these rights?" A policeman may ask an individual if he wishes to waive these rights. It's a very bad idea to agree to do this UNDER ALMOST ANY CIRCUMSTANCES.

MAKING SENSE OF "LEGALESE"

Commonly used law terms and their definitions

CIVIL CASE: A lawsuit involving enforcement of private rights, such as medical malpractice or divorce, as opposed to a criminal case which involves a charge by the government against a defendant alleging a public wrong, such as murder.

CLASS ACTION: A suit brought by several persons who have suffered the same kind of harm, on behalf of others in similar circumstances, at the hands of a defendant.

COMMON LAW: The "unwritten" law, a body of court decisions declaring what the law is, inherited from England and enlarged and changed by our courts. The rule that "You are presumed innocent unless proven guilty beyond a reasonable doubt" is from the common law.

CONTRACTS: That body of law governing the agreement process.

CRIMES, types of:

Felony: A crime which may result in imprisonment for more than six months.

Misdemeanor: A crime which may result in imprisonment for up to six months, or in a fine.

Violation: Charge of breach of a state or municipal ordinance, for instance a parking ticket and most minor traffic offenses.

DEBT:

Creditor: One to whom a debt is owed.

Debtor: One owing a debt.

Garnishment: Attachment of a debt, often wages owed, to satisfy a claim against a debtor.

Lien: A claim against the property of another, usually arising out of work done on the property, or because of assistance provided.

DEFENDANT: The party against whom suit is brought (sometimes known as a respondent).

HABEAS CORPUS: An ancient writ, literally meaning "produce the body" which demands that one who has a person in custody justify the grounds for detaining them.

LIBEL: Written or permanently recorded untruth causing harm to the person about whom the untruth is said.

NO-FAULT: System which does away with the need to prove fault in order to prevail or recover damages—no-fault systems have been adopted with regard to divorces and automobile accidents.

PERPETRATOR: A policeman's term used to describe a person (usually unknown) who committed a criminal act.

PLAINTIFF: The party who brings a lawsuit (sometimes known as a petitioner or complainant).

"PRO BONO": "Pro bono publico" means for the public good. This term is used by lawyers to describe work they do for free, usually because the client is poor.

SLANDER: Oral untruth causing harm to the person about whom the untruth is said.

STATUTE: A legislatively enacted law.

TORTS: The law of private wrongs, governing the behavior of persons and setting out their obligations toward each other, such as assaults.

WARRANT: A legal writ authorizing an officer of the law to take action (as in making an arrest, seizure or search).

WILLS AND TRUSTS:

Administrator: A person (or bank) who performs the same function as outlined for an executor for an intestate estate.

Conservator: Someone appointed by a court to administer the affairs of a person no longer able to manage his own affairs, usually because of illness or advanced age.

Executor: One whose job it is to administer the provisions of a will, gather the testator's assets, pay the bills and distribute the remaining estate according to the will's directions. (Executrix is the feminine form of this word.)

Guardian: One into whose care another may be entrusted by a court. Guardians may be appointed to care for children and/or their property.

Intestate: One who dies having no will.

Testator: One who makes a will. (Testatrix is the feminine form of this word.)

YOU CAN FIGHT CITY HALL!

FORMER U.S. ATTORNEY General Ramsey Clark may have summed it up best: "A legal right is not what someone gives you; it's what no one can take away!" Many of us tend to be frightened by loud voices, official-sounding letters, and opinions uttered with more conviction than accuracy. But if a decision made by an official seems outrageously unfair, it's probably also illegal. And if it is, you can take action by complaining to the appropriate Government agency, writing to your state legislator or U.S. representative, and, if necessary, asking a lawyer to help you obtain your legal rights.

If you think you've been bamboozled, swindled, or generally mistreated by a salesperson, a home repair service or a creditor, you don't have to sit back and take it. There are consumer fraud sections in the police department and other agencies that are prepared to remedy fraud or misrepresentation.

If a marriage looks like an impossible trap, there are legal ways out, even for those who have little or no money. Legal aid services, women's counseling agencies and others provide help.

If laws seem to hinder, rather than help, you can do something to get them changed. Politicians, from City Council members to the president, depend on your vote for public survival. It takes a group of citizens, willing to organize to change unfair laws. For more information on how to fight for your rights, send for a free copy of *A Guide to Consumer Action*, a 58-page booklet. To get it, mail a postcard with your name, address and Zip code to Consumer Information Center, Dept. 686F, Pueblo, Colo. 81009.

If someone tells you that City Hall is impregnable, don't believe it. Often City Hall fears you more than you could possibly fear it. In fact, we know of one mayor who had a set of fire stairs put in at the back of his office, not because he had any particular phobia about flames, but because he wanted to be able to get out fast when groups of citizens arrived with complaints. He lasted one term! ■